

Day 2 Standards
 Enforcement
 Vested Rights & Nonconformities
 Further Information

City of San Antonio, Texas

UNIFIED DEVELOPMENT CODE TRAINING

SEPTEMBER 29, 2009

Agenda

Yesterday

- Introduction
- Zoning
- Alternative Development Patterns
- Procedures

Tuesday

- Standards
- Enforcement
- Grandfathering
- Where to Get More Information

Procedures (wrap-up)

Appeals

- Decisionmaking agency = Board of Adjustment
- Automatic stay
- Quasi-judicial hearing
- 75% to reverse staff

Variances & Exceptions

Zoning

- Board of Adjustment
- Special conditions + unnecessary hardship
- Waiting period

Subdivision

- Planning Commission
- Public interest

Administrative Exceptions

- Staff
- Master Plan
- Public health and safety

Procedures

Fees

- Established in Appendix C
- Funds earmarked to processing
- Funds restricted to amounts needed for processing

Development Standards

Parks & Open Space

- Exemptions
 - Infill Development Zone / FBZD
 - Surplus in planning area
- Level of Service
- Qualification
- Fee in Lieu
- Private allowed
- Connectivity
- Categories

UDC 35-503
Materials p. 33

9/30/2009



Parkland required

Type and Location of Development Projects	Required Parkland (Acres per Dwelling)
In the city - "R-20", "R-15", "R-10", "R-8", "R-6", "RM-6", "R-5", "RM-5", "R-4", "RM-4", "MH", TND, "PUD", "DR"	1 per 70
In the city - "MF-25", "MF-33", "MF-40", "MF-50"	1 per 114
In the ETJ - Single-family developments	1 per 70
In the ETJ - Multi-family developments	1 per 114

Qualification

Does Not Count

- Building / parking areas (except up to 50% of park's parking)
- Easements, unless useable for recreation space
- Under overhead utilities, except for jogging, bike or parking
- Streets
- Ponds/lakes > 2500 sf unless 25' upland area

Characteristics

- No sale, subdivision or development
- Minimum size / dedication
- Reasonably adaptable for use for park and recreational purposes based on size, shape, topography, geology, access and location
- Multi-use paths along collector/arterial, 12' wide with streetscaping
- School site locations where possible

Suitability

- 1 mile from any lot/building
- Floodplain < 50%
- Water features > 2500 sf to 90% if 25' greenway with trail
- Detention basins < 50% if useable
- < 7% slope on 50% of land

Park Designation

- Dedication to City
- Homeowners Association
- Condo Association
- Easement dedication
- Private conservation organization

Park Dedication - Phasing

Number of Lots	Acres of Parkland Required	Timing of Improvements
1-70	Up to 1 (minimum size of one (1) acre)	Phase 2
71-140	Up to two (2)	Phase 3
Lots 141 through completion	As required by required parkland requirements	At time of platting

Parks - Fee in Lieu

Size	% of Dedication via Fee in Lieu
< 210 units or MF in Loop 410	100%
210-350 units	50%
> 350 units	0%

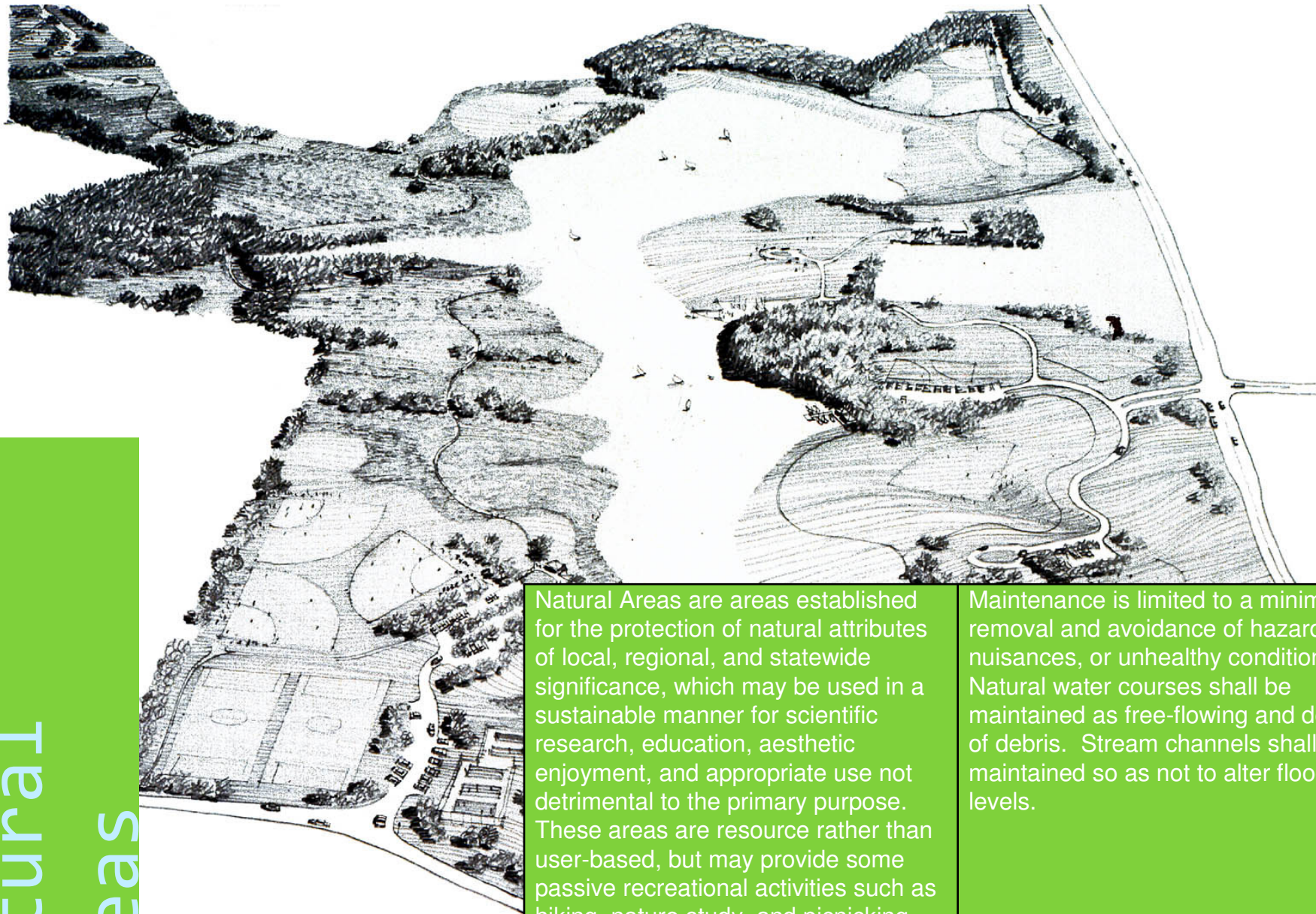
Parks - Fee in Lieu

$(A \times V) + D = M$	
A =	<i>The amount of land required for dedication</i>
V =	<i>The fair market value (per acre) of the property to be subdivided, as established by an approved method.</i>
D =	<i>The average development cost (units x \$250, adjusted)</i>
M =	<i>The number of dollars to be paid in lieu of dedication of land.</i>

Park Fee in Lieu

Amount of Land (acres)	2
FMV	\$ 30,000.00
Development Cost	\$ 35,000.00
Units	140
Cost factor	\$ 250.00
Fee in lieu	\$ 95,000.00

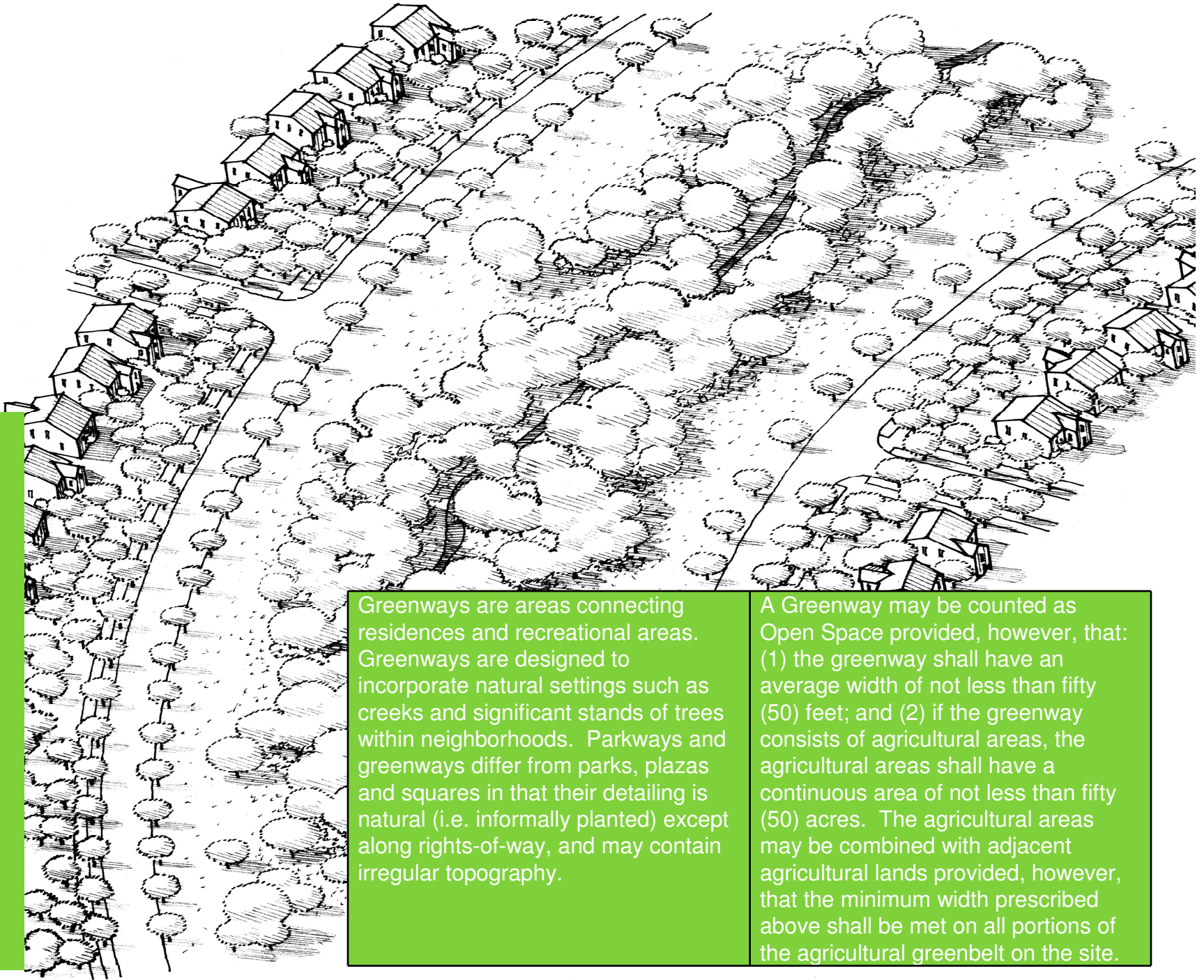
Natural Areas



Natural Areas are areas established for the protection of natural attributes of local, regional, and statewide significance, which may be used in a sustainable manner for scientific research, education, aesthetic enjoyment, and appropriate use not detrimental to the primary purpose. These areas are resource rather than user-based, but may provide some passive recreational activities such as hiking, nature study, and picnicking. Natural Areas may include floodplains mapped by FEMA with a drainage area exceeding 300 acres, or creeks with a drainage area of less than 300 acres.

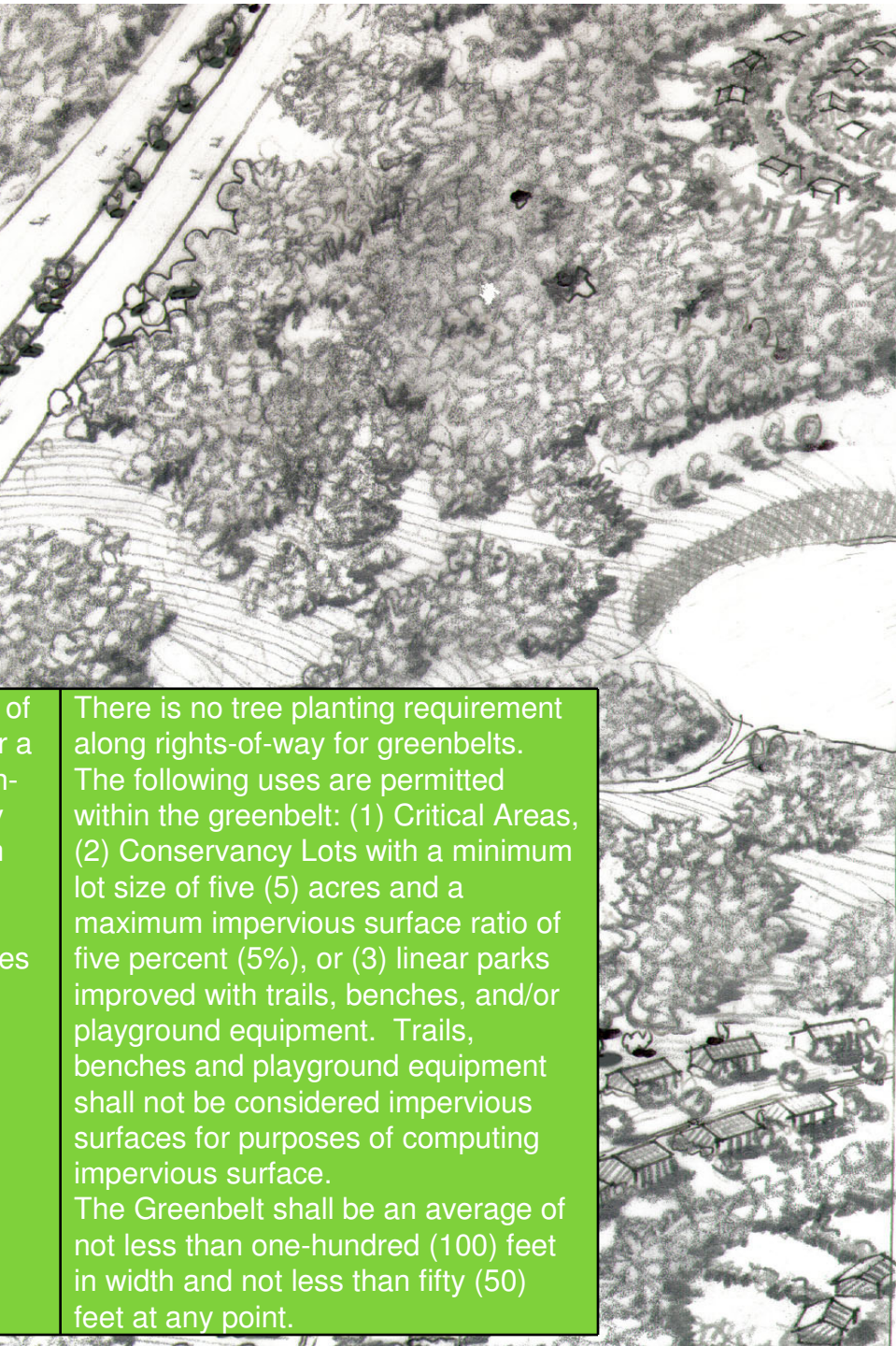
Maintenance is limited to a minimum removal and avoidance of hazards, nuisances, or unhealthy conditions. Natural water courses shall be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.

Greenways



Greenways are areas connecting residences and recreational areas. Greenways are designed to incorporate natural settings such as creeks and significant stands of trees within neighborhoods. Parkway and greenways differ from parks, plazas and squares in that their detailing is natural (i.e. informally planted) except along rights-of-way, and may contain irregular topography.

A Greenway may be counted as Open Space provided, however, that: (1) the greenway shall have an average width of not less than fifty (50) feet; and (2) if the greenway consists of agricultural areas, the agricultural areas shall have a continuous area of not less than fifty (50) acres. The agricultural areas may be combined with adjacent agricultural lands provided, however, that the minimum width prescribed above shall be met on all portions of the agricultural greenbelt on the site.



Greenbelts

Greenbelts run along the perimeter of a neighborhood, and serve to buffer a neighborhood from surrounding non-compatible uses such as a highway corridor or industrial district, or from agricultural areas or adjacent neighborhoods.

Greenbelts differ from the other types of open spaces in that they are left natural, and are not for recreational use.

There is no tree planting requirement along rights-of-way for greenbelts.

The following uses are permitted within the greenbelt: (1) Critical Areas, (2) Conservancy Lots with a minimum lot size of five (5) acres and a maximum impervious surface ratio of five percent (5%), or (3) linear parks improved with trails, benches, and/or playground equipment. Trails, benches and playground equipment shall not be considered impervious surfaces for purposes of computing impervious surface.

The Greenbelt shall be an average of not less than one-hundred (100) feet in width and not less than fifty (50) feet at any point.

Playground



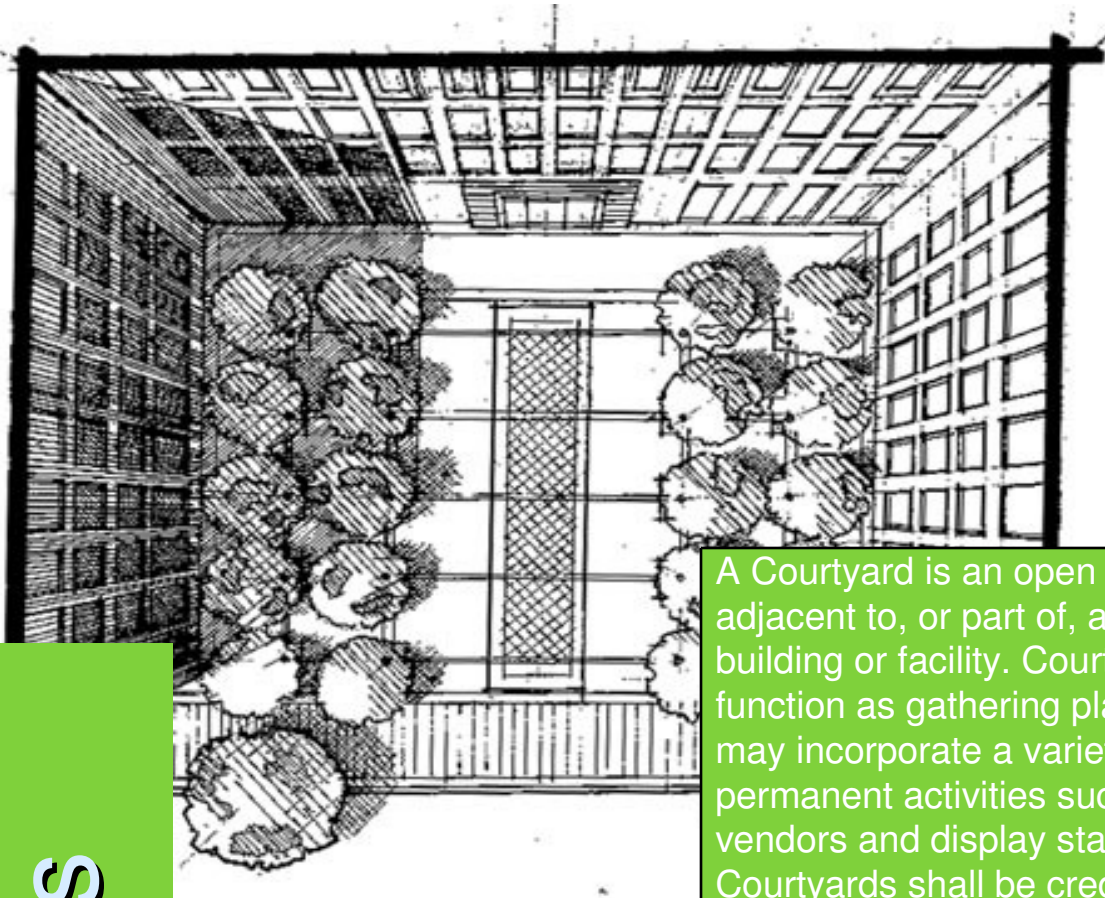
Playgrounds provide play areas for children as well as open shelter with benches for parents.

Playgrounds may be built within squares and parks or may stand alone within a residential block.

Minimum Size: 5,000 square feet
Maximum Size: 20,000 square feet
Playing surfaces may be covered in sand, wood chips, or other equivalent material. Paths and walkways may be paved in concrete, crushed gravel, brick paver, or similar material, or partially paved.

Plazas are areas for passive recreational use which are entirely bounded by Streets and/or lanes. Plazas are intended for master planned communities such as Planned Unit Developments (PUD's), or Traditional Neighborhood Developments (TND's), or for non-residential Use Patterns defined in Article 2 (Commercial Centers, Office or Institutional Campuses, and Commercial Retrofits).

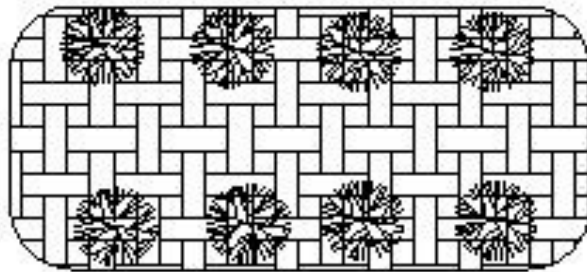
Courtyards



A Courtyard is an open area adjacent to, or part of, a civic building or facility. Courtyards function as gathering places and may incorporate a variety of non-permanent activities such as vendors and display stands. Courtyards shall be credited toward Parks and Open Space requirements only for non-residential Use Patterns defined in Article 2 (Commercial Centers, Office or Institutional Campuses, and Commercial Retrofits), and shall be maintained in private ownership.

Parking is permitted only at the edge of the Courtyard. Courtyards shall be paved in brick or other type of paver, or crushed stone. Courtyards shall be level, stepped, or gently sloping (less than 5% grade). At no time shall a Courtyard's horizontal length or width be greater than 3 times the height of the surrounding building(s). Minimum size: 2,000 sq ft Maximum size: 30,000 sq ft Courtyards may be left unplanted. If planted, the trees shall frame the Courtyard space or the structure which the Courtyard services. Tree spacing shall be a maximum of 25 feet on center.

Forecourts



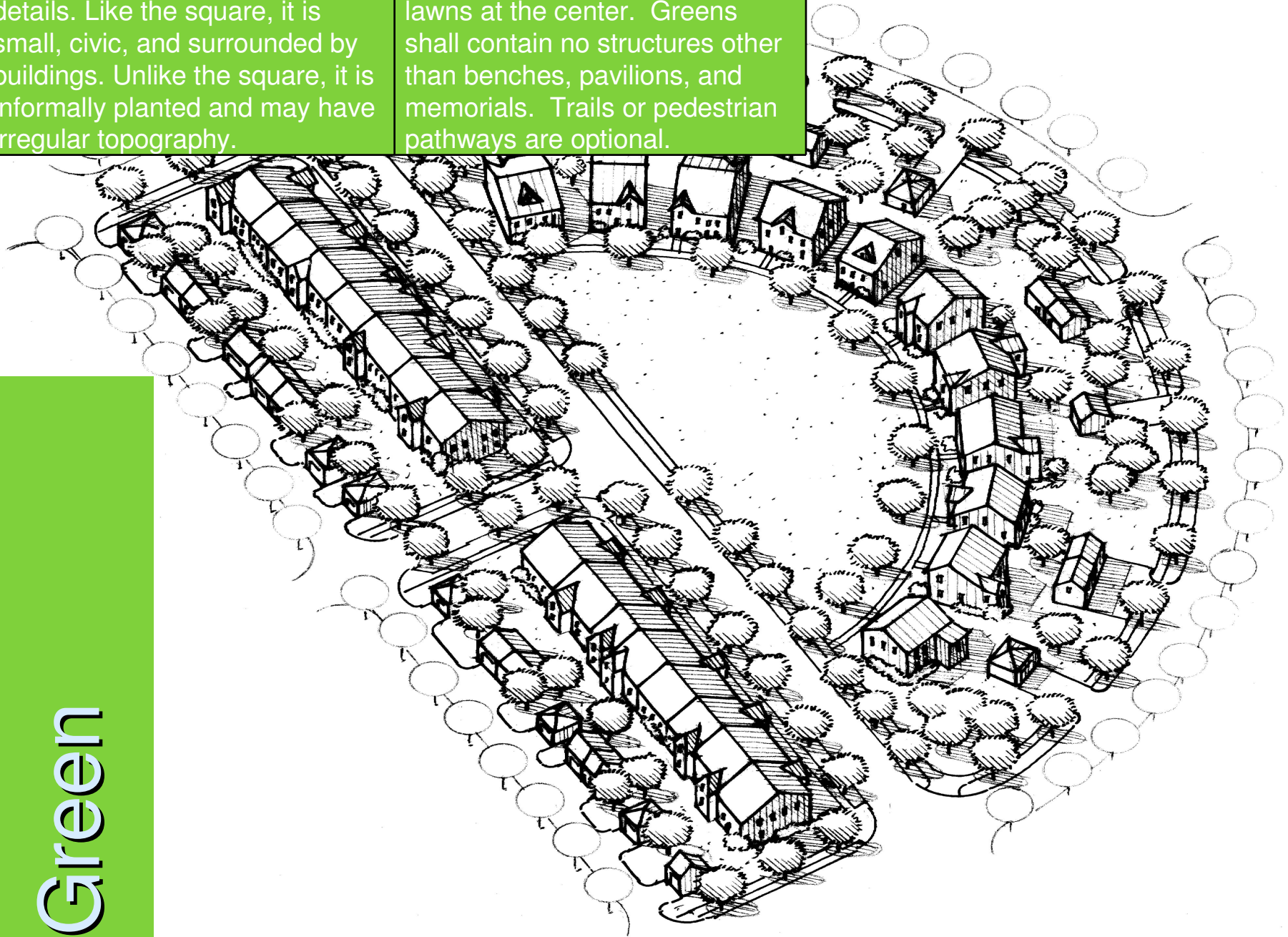
Forecourts are open space areas which act as buffers between residential and non-residential buildings or Streets. Forecourts shall be credited toward Parks and Open Space requirements only for non-residential Use Patterns defined in Article 2 (Commercial Centers, Office or Institutional Campuses, and Commercial Retrofits), and shall be maintained in private ownership.

Forecourts shall be entirely bounded by Streets and shall be planted parallel to all Street right-of-ways with one tree species.

The green is an urban open space which is natural in its details. Like the square, it is small, civic, and surrounded by buildings. Unlike the square, it is informally planted and may have irregular topography.

Greens shall be landscaped with trees at the edges and open lawns at the center. Greens shall contain no structures other than benches, pavilions, and memorials. Trails or pedestrian pathways are optional.

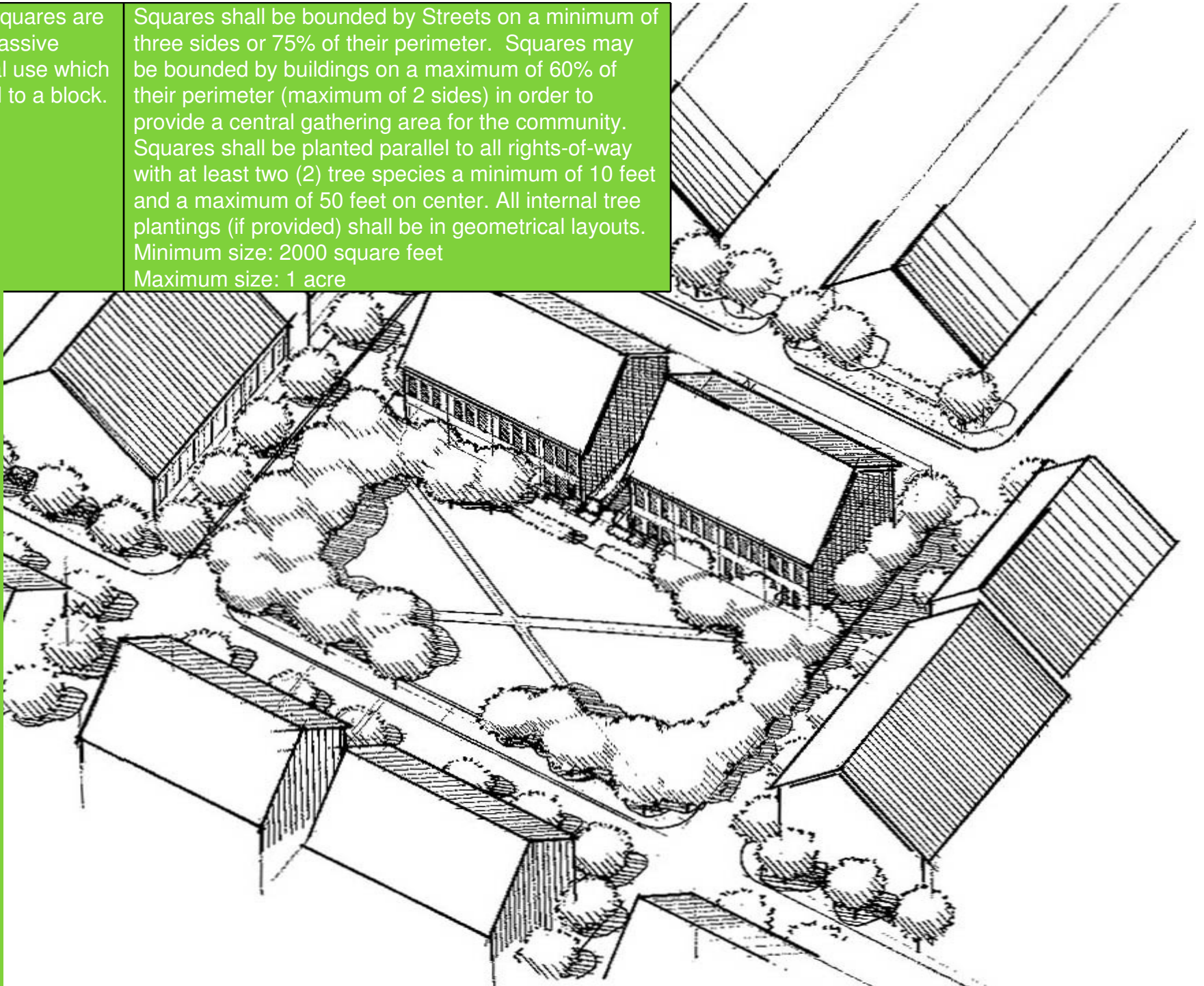
Green



Attached Square

Attached Squares are areas for passive recreational use which are internal to a block.

Squares shall be bounded by Streets on a minimum of three sides or 75% of their perimeter. Squares may be bounded by buildings on a maximum of 60% of their perimeter (maximum of 2 sides) in order to provide a central gathering area for the community. Squares shall be planted parallel to all rights-of-way with at least two (2) tree species a minimum of 10 feet and a maximum of 50 feet on center. All internal tree plantings (if provided) shall be in geometrical layouts. Minimum size: 2000 square feet
Maximum size: 1 acre





Park

Parks may be designed for active recreational use. Parks create a central open space which services an entire neighborhood or group of neighborhoods, or incorporate physical features which are an asset to the community (i.e. lake or river frontage, high ground, or significant stands of trees).

Parks may be combined with parkways and greenbelts.

Parks shall include at least three (3) of the facilities listed in the “Basic Facilities Menu” for Neighborhood Parks in the Parks and Recreation System Plan (page 230).

Parks shall be bounded by Streets on a minimum of 50% of their perimeter (subject to lot line configurations).

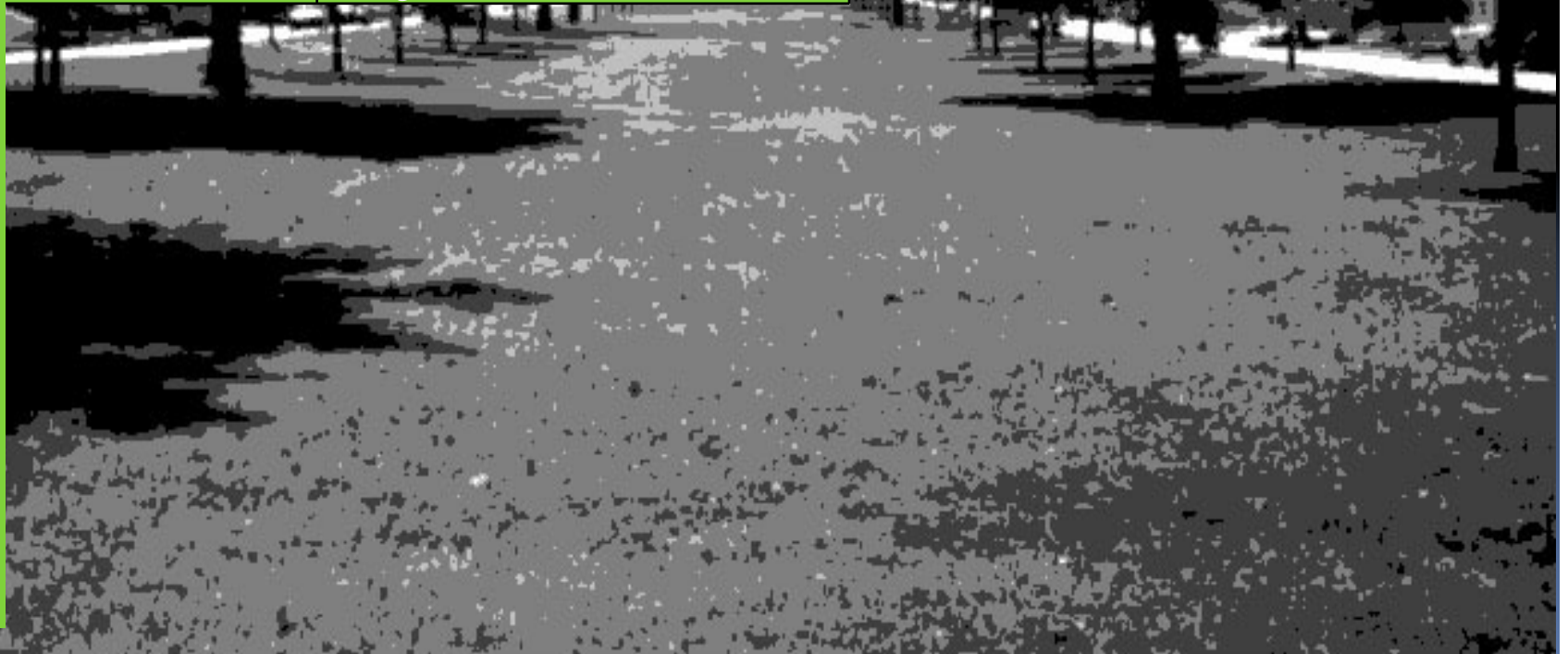
Minimum size: 1 acre

Trees shall be planted parallel to all perimeter rights-of-way with one species type, a minimum of 15 feet to a maximum of 50 feet on center. Promenades, and Esplanades within a park may be formally planted with trees parallel to the walkway. Areas under dense tree plantings shall be paved with crushed gravel. Interior portions of parks may be kept free of tree plantings. Areas for active recreational use and any facilities which accompany such use shall have a tree planting design which integrates the structures into the park and defines the areas set aside for active use from areas of passive use. Plantings in interior portions of parks are encouraged to follow topographical lines.

Parkways

Parkways are open spaces designed to incorporate natural settings such as creeks and significant stands of trees within neighborhoods. Parkways and greenways differ from parks, plazas and squares in that their detailing is natural (i.e. informally planted) except along rights-of-way, and may contain irregular topography.

Parkways shall be entirely bounded by Streets or pedestrian rights-of-way within developed areas. Parkways may be used for certain active recreational uses such as walking, jogging, or bicycling. Trees shall be planted along all rights-of-way a minimum of 10 feet and a maximum of 50 feet on center, with one species type. Interior areas shall remain natural and any additional plantings shall be informal in design.



Traffic Impact Analysis (TIA)

- Rough proportionality analysis (2009)
- Appeal to City Council
- Exemptions:
 - “D” Downtown district
 - Infill Development Zone
 - TND
 - TOD
 - Commercial retrofits



Transportation / Streets

- Narrower street widths (27' rather than 30')
- Connectivity requirement
- Enhanced streetscapes
- Driveway access management





Street Design – 2009 Amendments

- Sidewalks required for Conservation Access streets (4-6')
- Street width / ROW ranges for collector-arterial classifications
- Planting strips from Local B to Primary Arterial increased from 2' to 3'
- Boulevard / Parkway median width increased from 14' to 16'
- Bike facilities required for Avenue, Main Street, Boulevard

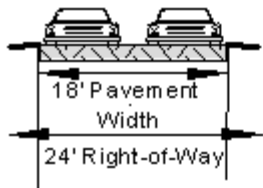
Street Design – 2009 Amendments

- If existing adjacent street ROW, sidewalk, curb, pavement widths are less than UDC requirements, no plat is approved until minimum width is dedicated
- Exceptions
 - Existing fencing / landscaping can stay until construction is required
 - IDZ
 - ROW without streets (paper streets) – ½ of road must be constructed
- Arterial street dedications required

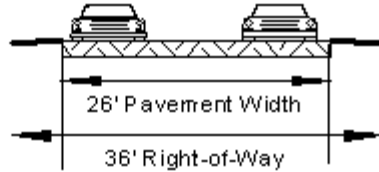
Street Design – 2009 Amendments

- Design Speeds
 - Local Type B = 30-35 mph
 - Collector = 40-45 mph
- Governs –
 - Intersection sight distance
 - Vertical K-values
 - Horizontal obstruction offset values
 - Stopping sight distance
 - Transition distance
 - Turn bay design

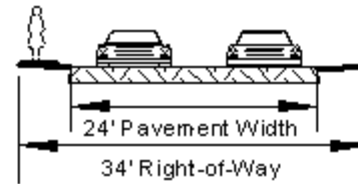
Alley



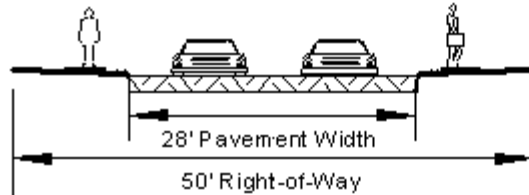
Marginal Access



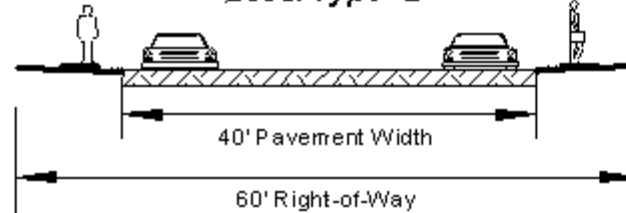
Access - Conservation Subdivision



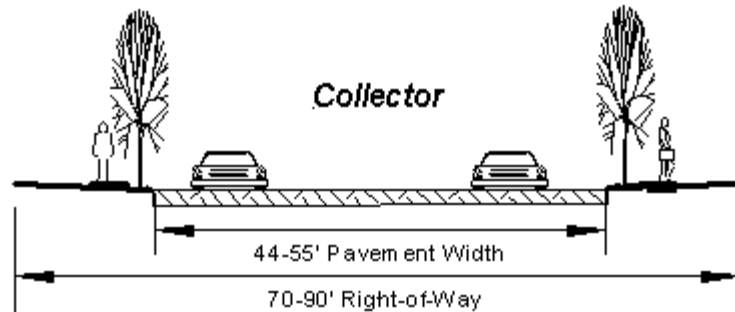
Local Type A



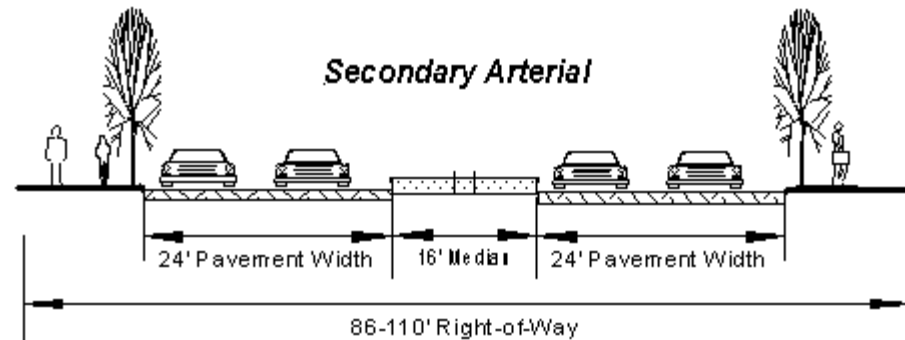
Local Type "B"

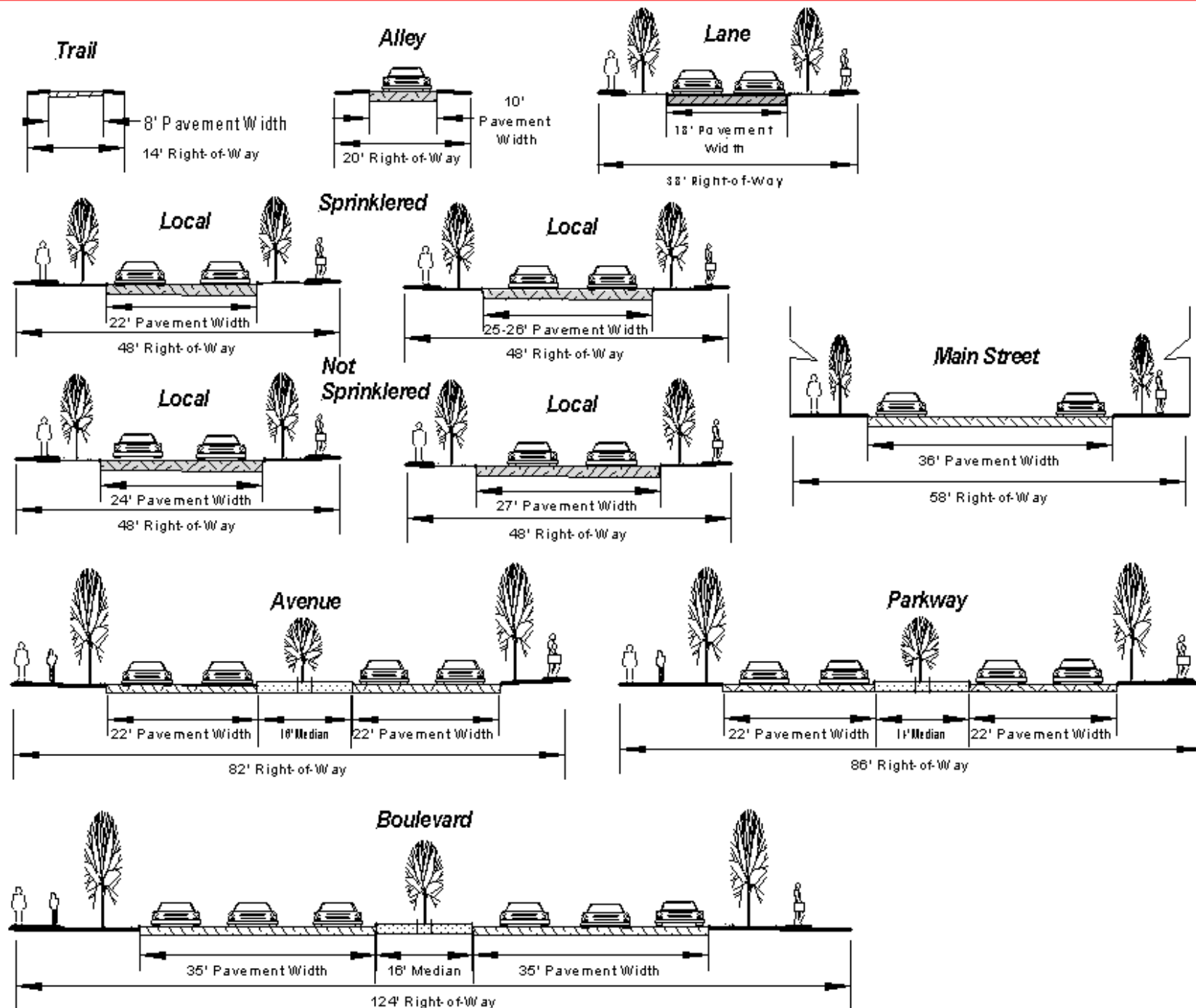


Collector



Secondary Arterial





Connectivity Ratio = Links ÷ Nodes

$$5 \div 4 = 1.2$$



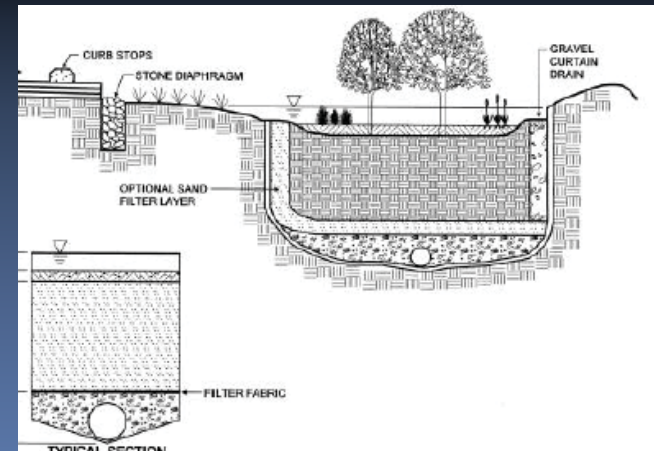
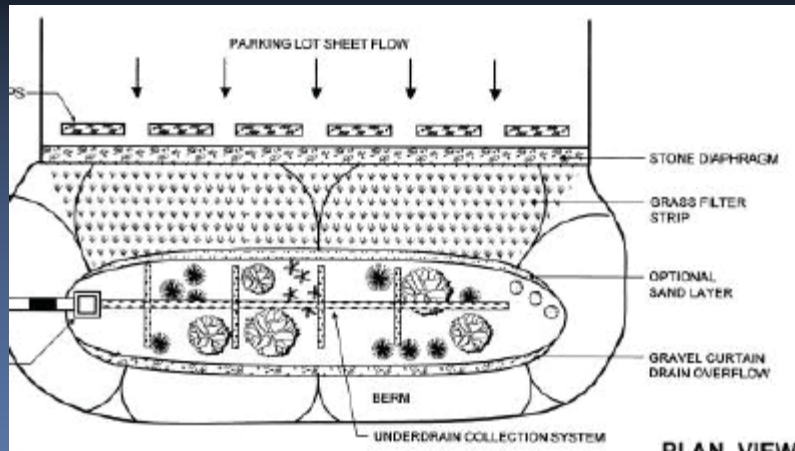
San Antonio, Texas 9/30/2009

Connectivity – Projecting Streets

- 2009 amendments –
 - Classification based on traffic volume
 - 1.5 lots per acre on septic
 - 4 lots per acre with sewer
 - Local Type B with no houses – include in rough proportionality analysis

Stormwater Management

- Regional stormwater management policy
- Promotes better design techniques and the use of latest technologies
- Includes stormwater compliance for construction activity as required by City's NPDES permit
- Multiple use of drainage facilities encouraged



Stormwater Management

- Regional stormwater management standard

“... use of a RSWF will not produce a **significant adverse impact** to other properties due to the increased runoff from the proposed development.”

Stormwater Management – Significant Adverse Impact

- Analyze –
 - Stormwater facilities within 2000' If to nearest downstream RSWF or floodplain
 - Lots < 3 acres – nearest tributary drainage area of 100+ acres

Stormwater Management – Significant Adverse Impact

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 - Stormwater facilities within 2000' If to nearest downstream RSWF or floodplain
 - Lots < 3 acres – nearest tributary drainage area of 100+ acres

Stormwater Management - Significant Adverse Impact

Development Condition	Description
Existing	Current development conditions in the watershed and on site - used as baseline
Proposed	Adds proposed development - determines if the increased runoff results in an adverse impact
Ultimate	<p>ultimate development conditions in watershed – use to:</p> <ol style="list-style-type: none">1. Design proposed drainage facilities2. Determine if increased runoff from UD results in an adverse impact <p><i>City may reject participation in RSWMP based on ultimate development</i></p>

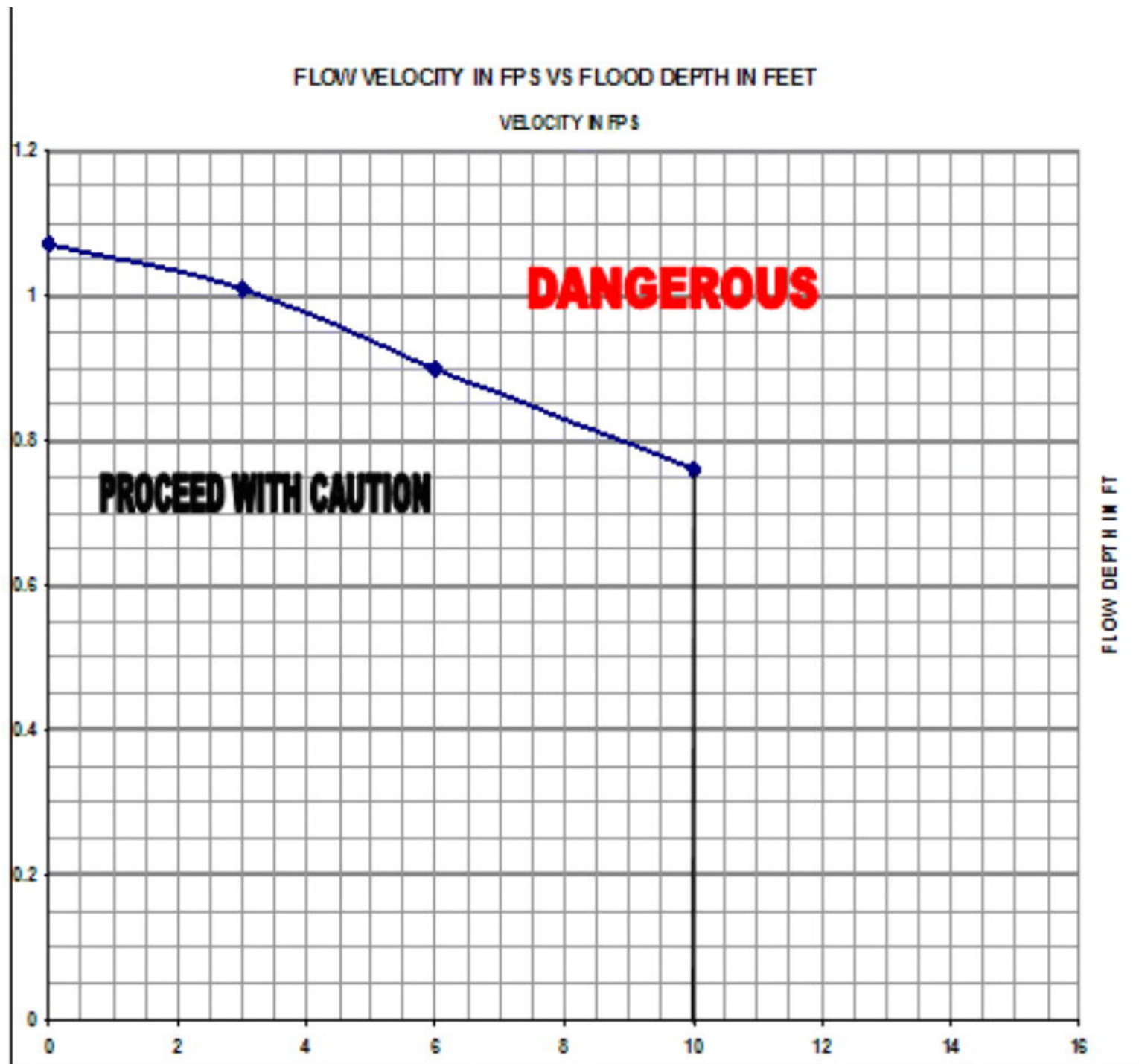
Development Standards

Stormwater Management – Significant Adverse Impact

- Standards –
 - No increase in stormwater surface elevation (WSE) in receiving facility [natural or improved] drainage systems within two thousand (2,000) linear feet of the proposed development may unless
 - the increased WSE is contained within easements or rights-of-way or
 - the receiving systems have sufficient capacity to contain the increased WSE without increasing flooding to habitable structures

Stormwater Management – Significant Adverse Impact

- Standards – (2009 amendment)
 - ▣ Ultimate development runoff at 5, 25 & 100 year storm events must not classify the low water crossing as “Dangerous to Cross”, OR
 - Applicant may improve crossing to stormwater management standards
 - In lieu of paying fee or providing onsite stormwater controls



Stormwater Management – Participation in RSWMP

- Fee in lieu of on-site detention (except in areas designated by the director of public works as "mandatory detention areas"
- Construction of on-site or off-site measures (typically stormwater detention facilities) to mitigate increases in runoff resulting from the proposed development
- Construction or participation in construction of an off-site RSWF to mitigate increased stormwater runoff anticipated from ultimate development

Stormwater Management – 2009 Amendments

- Detention facilities (regional or not) that accept offsite runoff require maintenance by property owner or association
- Full detention basin design can be deferred to building permit with “request for detention deferral”
- Regional facility easement extend to 15' minimum outside 100-year pool and the structural improvements

Buffers

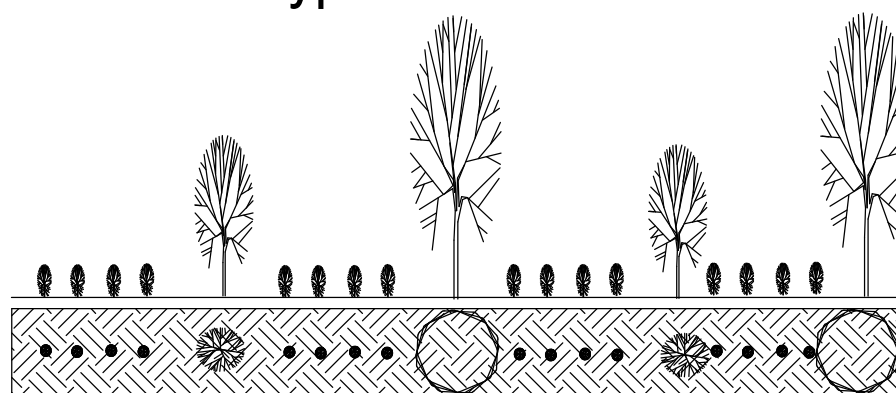
- Applies to:
 - Building permit
 - Enlargement 1000 sf/10%
 - Parking – new or 2000 sf/10%
- 7 types of buffers
 - Width
 - Planting
 - Natural areas



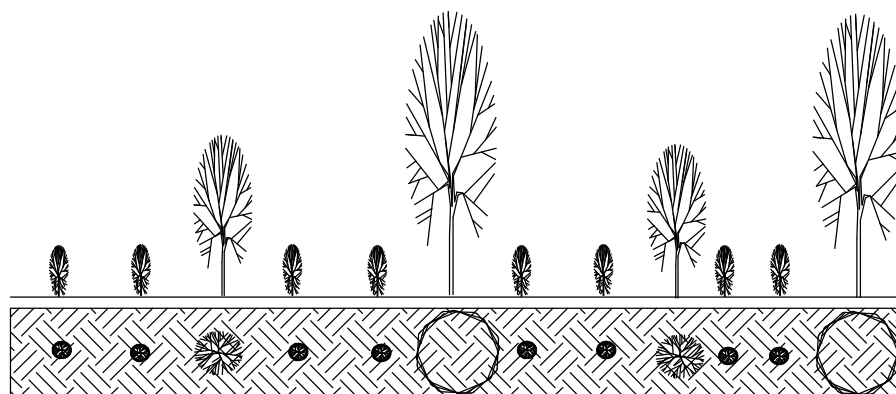
Buffer Yard Type	Minimum Width (in feet)	Trees ¹		Shrubs ⁴			Fence (F), Berm (B) or Wall (W) ⁷
		Canopy	Understory ²	Large ⁵	Medium ⁵	Small ⁵	
A	10	2	2	-	-	16	-
Option	10	2	2	-	8	-	-
B	15	2	2	8	12	-	-
Option	15	2	2	6	8	6	-
C	15	2	4	9	8	-	F or W
Option	15	2	3	10	10	-	F or W
D	25	2	4	9	8	-	F or W
Option	25	2	3	10	10	-	B
E	30	2	4	14	4	4	F or W
Option	30	2	3	12	8	4	B
F	40	2	4	9	5	-	B & W
Option	40	1	4	6	8	8	B
N ⁶	20% reduction with minimum of 10 feet	Any combination of trees or shrubs is acceptable where: (1) the existing vegetation provides at least the number of equivalent planting units required by the required by Table 510-1 (see subsection (d)(2), below), or (2) the existing vegetation provides complete visual screening from the adjoining property.					-

Buffer Yard Type	Minimum Width (in feet)	Trees ¹		Shrubs ²			Fence (F), Berm (B) or Wall (W) ⁷
		Canopy	Understory ²	Large ²	Medium ²	Small ²	
A	10	2	2	-	-	16	-
Option	10	2	2	-	8	-	-

Type "A" Buffer



Option 1



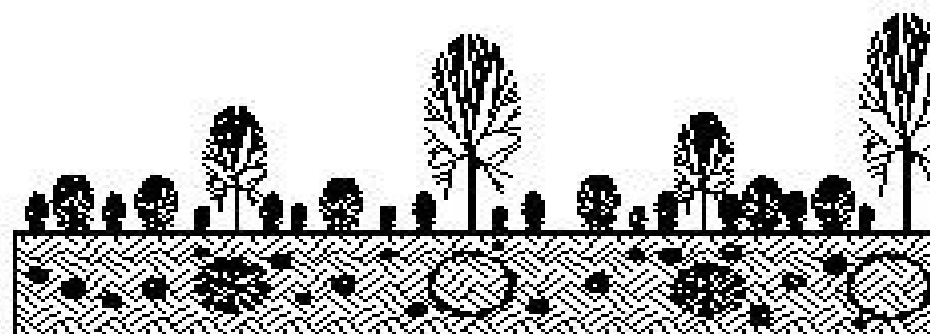
Option 2

Buffer Yard Type	Minimum Width (in feet)	Trees ¹		Shrubs ²			Fence (F), <u>Berm</u> (B) or Wall (W) ⁷
		Canopy	Understory ²	Large ²	Medium ³	Small ³	
B	15	2	2	8	12	-	-
Option	15	2	2	6	8	6	-

Type "B" Buffer



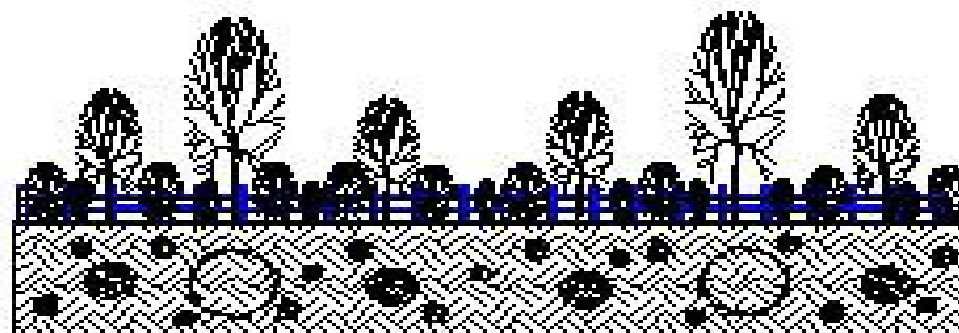
Option 1



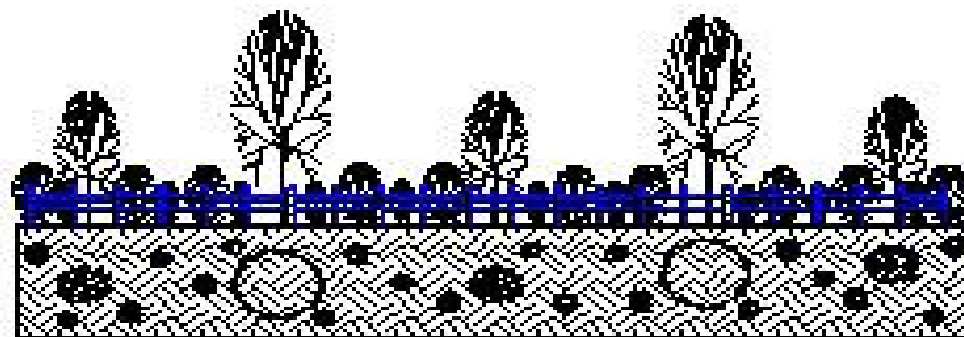
Option 2

Buffer Yard Type	Minimum Width (in feet)	Trees ¹		Shrubs ²			Fence (F), <u>Berm</u> (B) or Wall (W) ⁷
		Canopy	Understory ⁴	Large ⁵	Medium ⁶	Small ³	
C	15	2	4	9	8	-	F or W
Option	15	2	3	10	10	-	F or W

Type "C" Buffer



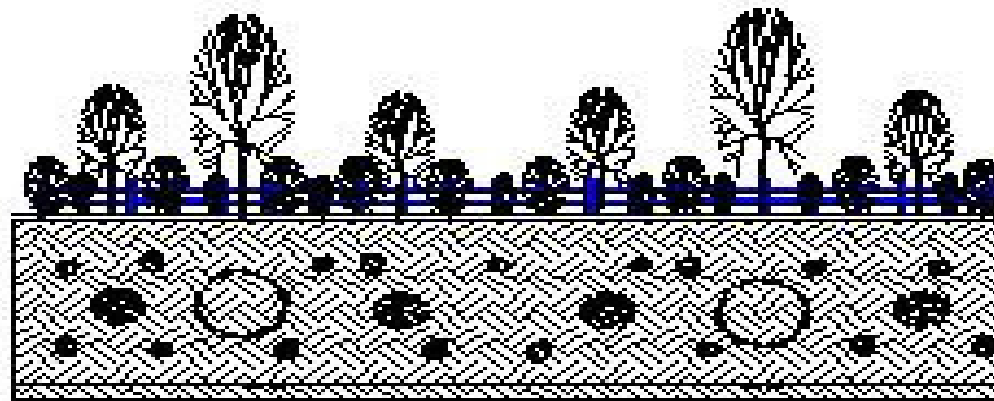
Option 1



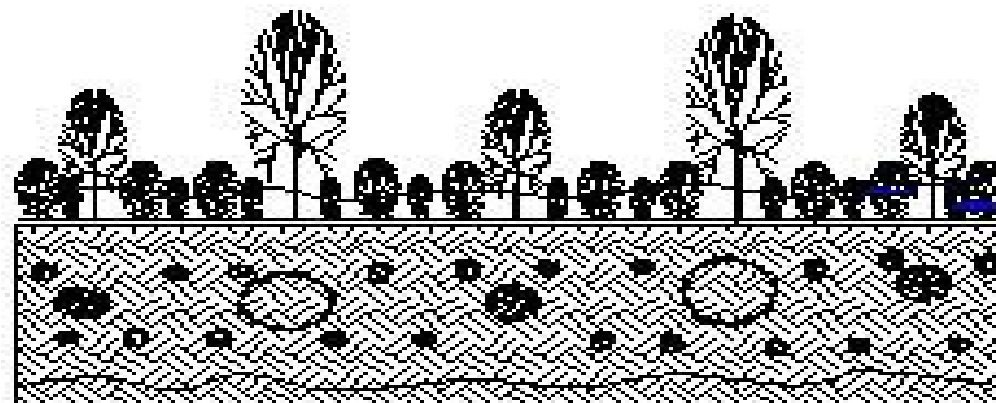
Option 2

Buffer Yard Type	Minimum Width (in feet)	Trees ¹		Shrubs ²			Fence (F), Berm (B) or Wall (W) ⁷
		Canopy	Understory ⁴	Large ⁵	Medium ⁶	Small ³	
D	25	2	4	9	8	-	F or W
Option	25	2	3	10	10	-	B

Type "D" Buffer



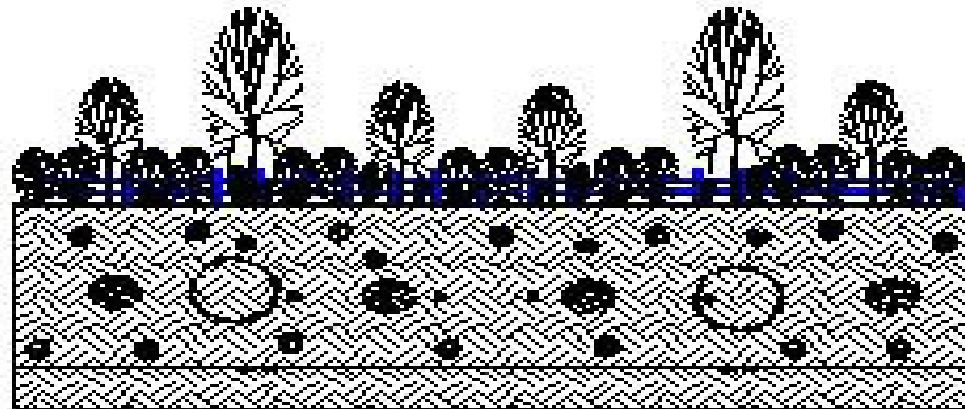
Option 1



Option 2

Buffer Yard Type	Minimum Width (in feet)	Trees ¹		Shrubs ²			Fence (F), Berm (B) or Wall (W) ⁷
		Canopy	Understory ⁴	Large ⁵	Medium ⁶	Small ³	
E	30	2	4	14	4	4	F or W
Option	30	2	3	12	8	4	B

Type "E" Buffer



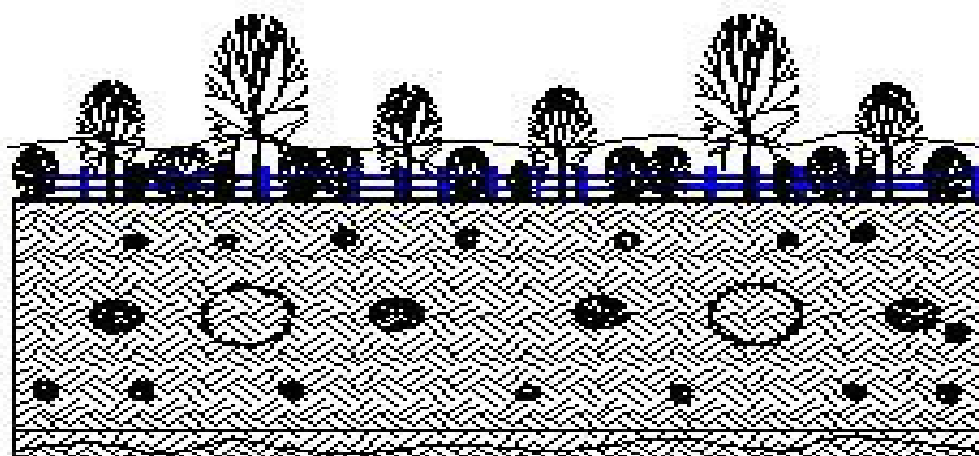
Option 1



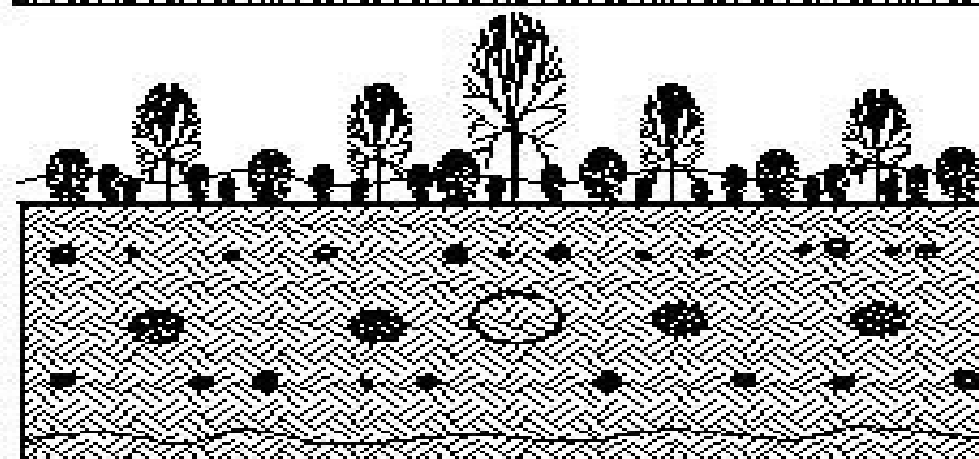
Option 2

Buffer Yard Type	Minimum Width (in feet)	Trees ¹		Shrubs ²			Fence (F), Berm (B) or Wall (W) ⁷
		Canopy	Understory ²	Large ²	Medium ²	Small ²	
F	40	2	4	9	5	-	B & W
Option	40	1	4	6	8	8	B

Type "F" Buffer



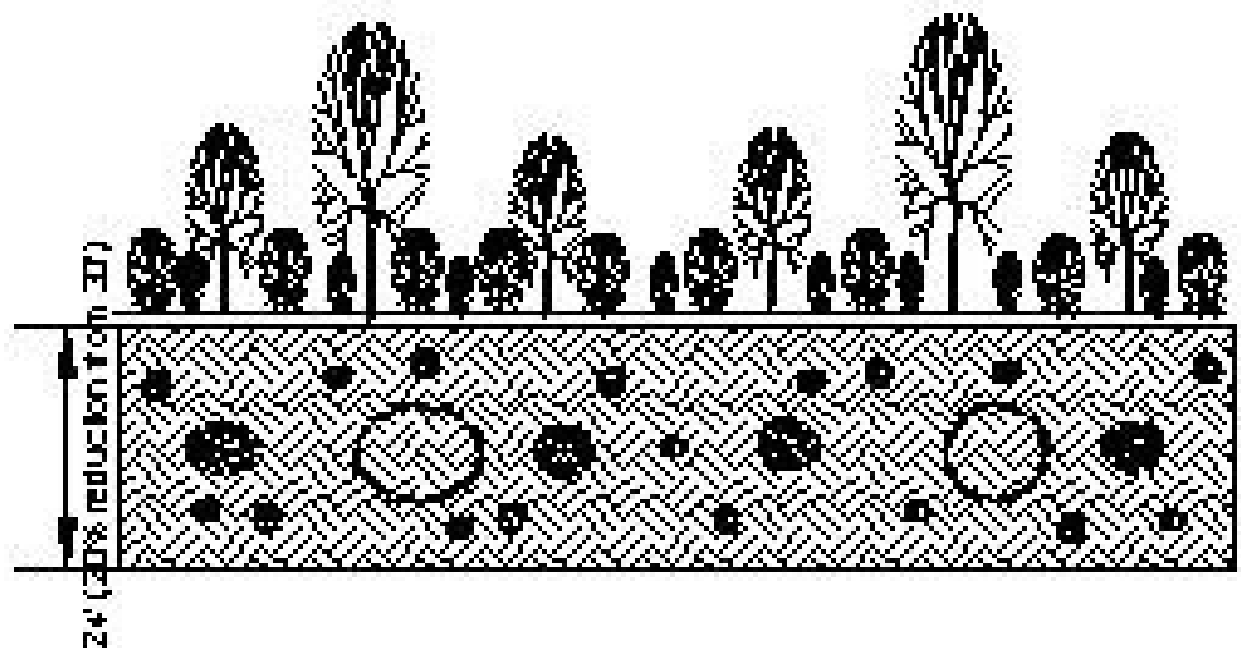
Option 1



Option 2

Buffer Yard Type	Minimum Width (in feet)	Trees ¹		Shrubs ²			Fence (F), Berm (B) or Wall (W) ⁷
		Canopy	Understory ²	Large ²	Medium ²	Small ²	
N ²	20% reduction with minimum of 10 feet	Any combination of trees or shrubs is acceptable where: (1) the existing vegetation provides at least the number of equivalent planting units required by the required by Table 510-1 (see subsection (d)(2), below), or (2) the existing vegetation provides complete visual screening from the adjoining property.					-

Type "N" Buffer (Type "E" Baseline)



Landscaping

Applies to -

- New building or structure for which a building permit is required
- Enlargement > 1,000 sf or 10%
- New parking lot or expansion of an existing parking lot within the street yard by > 2,000 sf or 10%

Exempt

- SF to 4F residential zoned or SF on existing record lot
- Agricultural uses
- Reconstruction if 50% or less of floor area was destroyed or ruined by flooding, fire, windstorm or act of God
- Interior finish work or remodeling
- Only a change of use is requested

Landscaping - Mandatory

- Screening of off-street loading spaces, refuse and outdoor storage areas, antennas, satellite dishes, and mechanical equipment
- Planting / maintenance / irrigation
- Parking Lot Shading – 25%

Landscaping – Elective (70 points)

- Tree preservation – 40 points maximum
- Surface parking screening – 30 points maximum
- Parking lot shading – 20 points
- Street trees – 25 points
- Understory Preservation – 15 points
- Infill or Commercial Retrofit – 25 points

Streetscape Planting

- Streetscape Planting Standards
 - developments with ≥ 5 parking spaces
 - subdivision review
- Planting strip, street trees, parking area shrubs or berms
- 70 points required

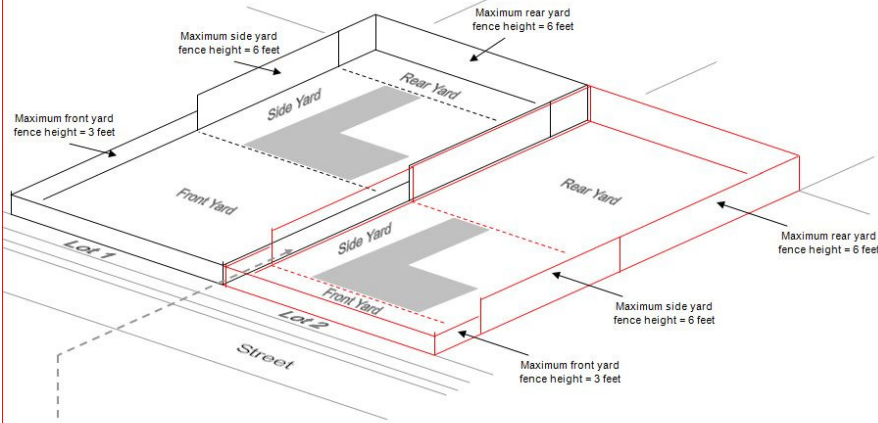


Fences & Walls

- Articulation or or open voids for perimeter walls
- Height limits
- Materials



- The maximum height for a front yard solid screen fence shall not exceed 3 feet in height.
- The maximum height for a front yard open space fence shall not exceed 4 feet in height.
- The maximum height for a side yard fence shall not exceed 6 feet in height.
- The maximum height for a rear yard fence shall not exceed 6 feet in height.



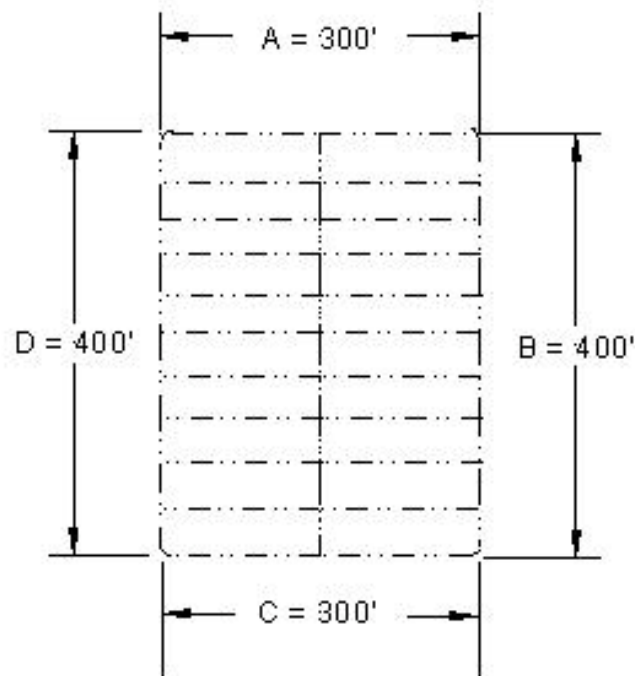
Notice:
The side yard fence of lot 2 runs along the front yard fence of lot 1. In this area the fence on lot 2 is allowed a 6 feet maximum height, even though the fence on lot 1 is only allowed a 3 feet maximum height.

TABLE OF HEIGHTS
Maximum Permitted Fence Heights³

Use or Base Zoning District	Front Yard	Side Yard	Rear Yard
Single-Family Use Or Residential Zoning Districts	3'0" solid fence 4'0" open space	6'0"	6'0"
Multi-Family Use Or Multi-Family Zoning Districts	3'0" solid fence 4'0" open fence	6'0"	6'0"
Commercial & Office Use Or Commercial & Office Zoning Districts	3'0" solid fence 4'0" open fence	6'0"	6'0"
Industrial Use 1, 2 Or Industrial Zoning Districts	8'0" 1, 2	8'0" 1, 2	8'0" 1, 2
Base Zoning & Flex Districts Churches, Schools & Parks	6'0"	6'0"	6'0"
UD Single-Family	3'0" solid fence 4'0" open fence	6'0"	6'0"
UD Multi-Family 15 & 33	3'0" solid fence 4'0" open fence	6'0"	6'0"
UD Commercial	3'0" solid fence 4'0" open fence	6'0"	6'0"
RD Single-Family	3'0" solid fence 4'0" open fence	6'0"	6'0"
RD Commercial	3'0" solid fence 4'0" open fence	6'0"	6'0"
FR Single-Family	6'0"	6'0"	6'0"
FR AG-Commercial	6'0"	6'0"	6'0"
MI-1 & 2 1, 2	8'0" 1, 2	8'0" 1, 2	8'0" 1, 2
MI-1 Village Center	Allowed only by Specific use permit	6'0"	6'0"
MI-2 Village Center	Allowed only by Specific use permit	6'0"	6'0"

Lot Layout

- Maximum **block length** based on street classification
- Maximum **street length**
- Maximum % front yard in driveways
- Maximum number/% flag lots

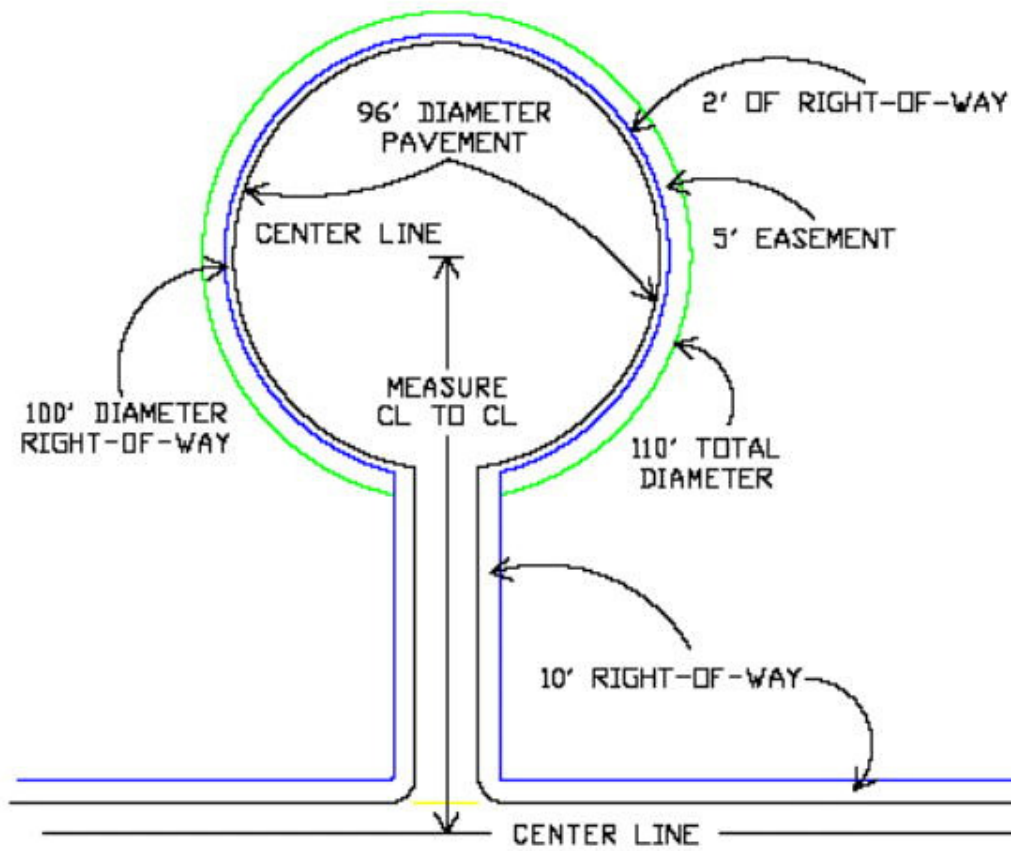


A, B, C and D are Block Lengths

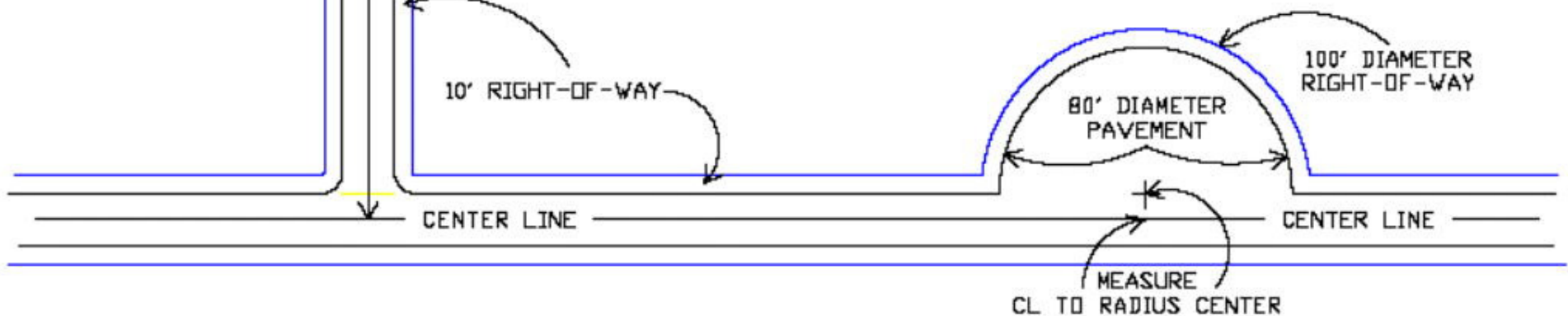
$A + B + C + D = \text{Block Perimeter}$

Block Length	Street Type
700'	<ul style="list-style-type: none"> Local type B (with houses fronting), Local type A which serves as an entrance street to the proposed neighborhood, or TND use pattern
1,200'	<ul style="list-style-type: none"> Block that ends with a cul-de-sac Local type A
N/A unless they transition into a street with houses fronting	<ul style="list-style-type: none"> Local type B Collectors or avenues Secondary arterials or main streets Primary arterials or boulevards Freeways or parkways
Street Length (regardless of block length)	
3,000'	<ul style="list-style-type: none"> streets with homes fronting measured from the center of the two furthest intersecting streets or from its intersection with a higher tier street whichever is less no limit to the street length of a street without home fronting May be reduced by using traffic calming

Cul-de-sacs

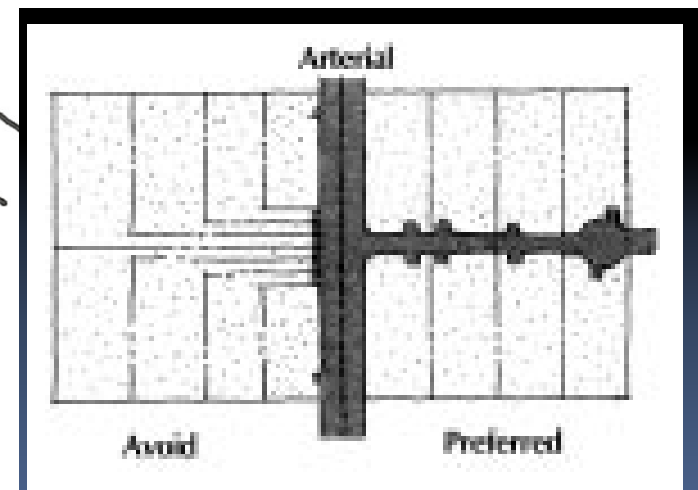
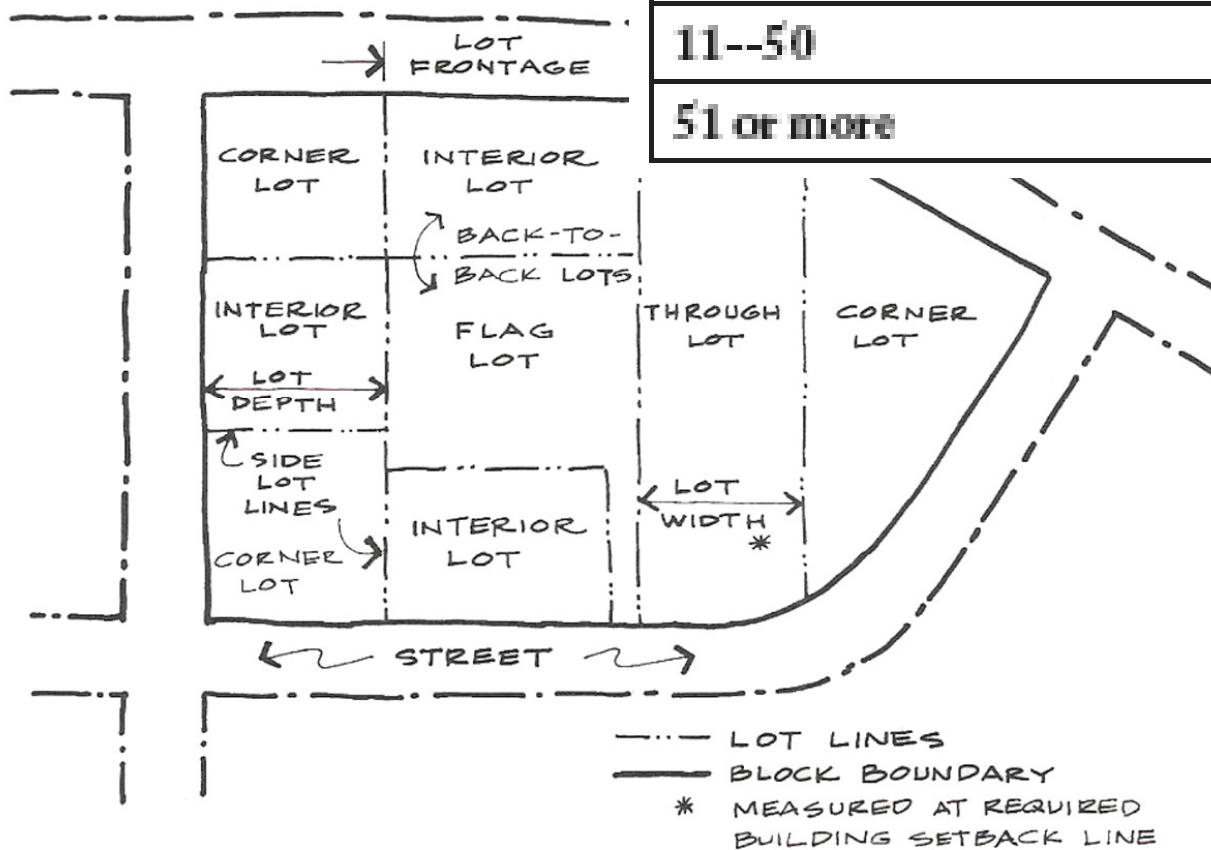


Cul-De-Sac Type	Pavement Width (Min.)	Right-of-Way (Min.)
>150' Length	96'	110'
>150' Length with 5-foot additional easement around cul-de-sac right-of-way	96'	100'
<150' Length	80'	100'



Flag Lots

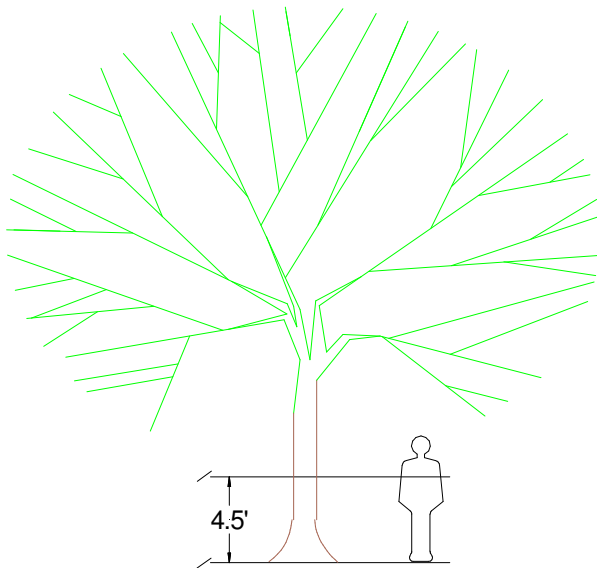
Size of Subdivision	Maximum # or % of Flag Lots
10 or fewer lots	2 lots
11--50	20%
51 or more	20%



Source: Center for Urban Transportation Research, *Ten Ways to Manage Roadway Access in Your Community*

Tree Preservation

Diameter at Breast Height (DBH)
= diameter measured 4.5 feet
above grade



Trees Protected

Significant Tree

$\geq 6"$ for all tree species
except as provided below

$\geq 10"$

- Ashe Juniper
- Huisache
- Mesquite

≥ 1 trunk $\geq 10"$

- Arizona Ash
- Hackberry

≥ 1 trunk $\geq 5"$

- Texas Persimmon;
- Texas Redbud;
- Texas Mountain Laurel;
- Condalia;
- Possum Haw (in floodplain only);
- Crabapple (in floodplain only);
- Blue Wood Condalia;
- Brazil Tree;
- Downy Hawthorne

< 6 inches may be omitted from the tree
survey and preserved or mitigated based on
a numerical count

Heritage Tree

$\geq 24"$ for all tree species
except as provided below

≥ 1 trunk $\geq 12"$

- Persimmon;
- Redbud;
- Mountain Laurel;
- Condalia;
- Possum Haw (in floodplain only);
- Crabapple (in floodplain only)

Non-native invasive tree species are not protected and will be omitted from the tree survey

Tree Preservation

(A) Method	(B) Description	(C) Restrictions
1. Establishment and maintenance of new trees at the required ratio on-site	Significant 1:1 <u>Heritage</u> 3:1 All tree species of Ash (all <u>Fraxinus</u> species) Hackberry (all <u>Celtis</u> species) <u>Huisache</u> , Ashe Juniper and Mesquite will be mitigated at 1:1.	No more than twenty-five (25) percent of the replacement trees shall be of the same species for the purposes of mitigation. Replacement trees must be at least three-inch diameter.
2. Payment to the tree mitigation fund	See subsection (n) of this section.	See subsection (n) of this section.
3. Protection and maintenance of smaller trees within surveyed area	Protection and maintenance of existing trees within the surveyed area <u>that are smaller</u> than the size requirements for a protected tree.	Such trees must be at least two and one-half (2 1/2) inches DBH. See column B ratios for diameter-inches required.
4. Protection and maintenance of natural areas within the surveyed area	Protection and maintenance of existing natural areas, i.e., prairie, steep slope, etc.	Area(s) must contain desirable plants as determined by the city arborist and/or by Texas Parks and Wildlife Dept.

Tree Preservation

	Single-Family Dwellings	Multi-family and Nonresidential Uses
Significant Trees	35% within each platted lot, excluding street right-of-way and easements. Plus each builder on a single-family dwelling lot shall also be required to plant two (2) one and one-half (1.5) inch caliper new trees, which trees shall generally be native, large canopy trees.	40% within the entire site excluding the street rights-of-way and easements.
Significant Trees under 6" DBH	35% within each planted lot, excluding the street right-of-way and easements or 35% of the number of total count of all such trees.	40% within the entire site, excluding street right-of-way and easements; or 40% of the number of total count of all such trees; or for athletic fields, 25% of the entire site to be developed as such.
Heritage Trees	100% within each platted lot	100% within the entire site.
100-year floodplain(s)	80% of all the trees within the floodplain, which shall not apply toward preservation requirements on the remainder of the lot.	80% of the trees within the floodplain, which shall not apply toward preservation requirements on the remainder of the site.

Outdoor Storage

Class 1	
	Passenger vehicles incidental to residential use. Incidental on construction sites
Storage areas shall be restricted to the rear yard or, for passenger vehicles, to a garage or driveway.	*
Storage areas shall be located in the rear yard unless they are completely screened from view by the natural topography or by a type "B" buffer (see subsection 35-510(c), Buffer Standards of this chapter) or, in the I-1 or I-2 districts, a fence which complies with subsection 35-510(g) of this chapter.	
There shall be no storage of vehicles (other than noncommercial off-street parking), or storage or display of any merchandise or materials of any kind in any front yard, side yard or rear yard as required by this chapter, which abuts any residential district unless a type "C" buffer (see subsection 35-510(c), Buffer Standards of this chapter) is provided.	
Outdoor storage areas shall be screened from street view and adjacent residence, office, and commercial districts to a height commensurate with the location and height of the proposed storage. Outdoor storage areas shall be screened from the public street view to a height of at least six (6) feet.	
The storage area shall not exceed 20 percent of the site.	*
The storage area shall not exceed 50 percent of the site.	

Outdoor Storage

Class 2	
	live plants, agricultural service, artwork or pottery
Storage areas shall be restricted to the rear yard or, for passenger vehicles, to a garage or driveway.	
Storage areas shall be located in the rear yard unless they are completely screened from view by the natural topography or by a type "B" buffer (see subsection 35-510(c), Buffer Standards of this chapter) or, in the I-1 or I-2 districts, a fence which complies with subsection 35-510(g) of this chapter.	
There shall be no storage of vehicles (other than noncommercial off-street parking), or storage or display of any merchandise or materials of any kind in any front yard, side yard or rear yard as required by this chapter, which abuts any residential district unless a type "C" buffer (see subsection 35-510(c), Buffer Standards of this chapter) is provided.	*
Outdoor storage areas shall be screened from street view and adjacent residence, office, and commercial districts to a height commensurate with the location and height of the proposed storage. Outdoor storage areas shall be screened from the public street view to a height of at least six (6) feet.	
The storage area shall not exceed 20 percent of the site.	
The storage area shall not exceed 50 percent of the site.	*

Outdoor Storage

Class 3	
Vehicles	
Storage areas shall be restricted to the rear yard or, for passenger vehicles, to a garage or driveway.	
Storage areas shall be located in the rear yard unless they are completely screened from view by the natural topography or by a type "B" buffer (see subsection 35-510(c), Buffer Standards of this chapter) or, in the I-1 or I-2 districts, a fence which complies with subsection 35-510(g) of this chapter.	
There shall be no storage of vehicles (other than noncommercial off-street parking), or storage or display of any merchandise or materials of any kind in any front yard, side yard or rear yard as required by this chapter, which abuts any residential district unless a type "C" buffer (see subsection 35-510(c), Buffer Standards of this chapter) is provided.	*
Outdoor storage areas shall be screened from street view and adjacent residence, office, and commercial districts to a height commensurate with the location and height of the proposed storage. Outdoor storage areas shall be screened from the public street view to a height of at least six (6) feet.	
The storage area shall not exceed 20 percent of the site.	*
The storage area shall not exceed 50 percent of the site.	

Outdoor Storage

Class 4	
Display of merchandise	
Storage areas shall be restricted to the rear yard or, for passenger vehicles, to a garage or driveway.	
Storage areas shall be located in the rear yard unless they are completely screened from view by the natural topography or by a type "B" buffer (see subsection 35-510(c), Buffer Standards of this chapter) or, in the I-1 or I-2 districts, a fence which complies with subsection 35-510(g) of this chapter.	*
There shall be no storage of vehicles (other than noncommercial off-street parking), or storage or display of any merchandise or materials of any kind in any front yard, side yard or rear yard as required by this chapter, which abuts any residential district unless a type "C" buffer (see subsection 35-510(c), Buffer Standards of this chapter) is provided.	*
Outdoor storage areas shall be screened from street view and adjacent residence, office, and commercial districts to a height commensurate with the location and height of the proposed storage. Outdoor storage areas shall be screened from the public street view to a height of at least six (6) feet.	*
The storage area shall not exceed 20 percent of the site.	
The storage area shall not exceed 50 percent of the site.	*

Outdoor Storage

Class 5	
	Automotive wrecking yards, junkyards, and paper salvage yards
Storage areas shall be restricted to the rear yard or, for passenger vehicles, to a garage or driveway.	
Storage areas shall be located in the rear yard unless they are completely screened from view by the natural topography or by a type "B" buffer (see subsection 35-510(c), Buffer Standards of this chapter) or, in the I-1 or I-2 districts, a fence which complies with subsection 35-510(g) of this chapter.	*
There shall be no storage of vehicles (other than noncommercial off-street parking), or storage or display of any merchandise or materials of any kind in any front yard, sideyard or rear yard as required by this chapter, which abuts any residential district unless a type "C" buffer (see subsection 35-510(c), Buffer Standards of this chapter) is provided.	*
Outdoor storage areas shall be screened from street view and adjacent residence, office, and commercial districts to a height commensurate with the location and height of the proposed storage. Outdoor storage areas shall be screened from the public street view to a height of at least six (6) feet.	*
The storage area shall not exceed 20 percent of the site.	
The storage area shall not exceed 50 percent of the site.	

Parking

- Maximum parking
- Shared parking
- Pervious pavement
- Waivers



(A) Land Use	Weekday		Weekend		(F) Nighttime (midnight - 6 a.m.)
	Daytime (9 a.m. - 4 p.m.)	Evening (6 p.m. - midnight)	Daytime (9 a.m. - 4 p.m.)	Evening (6 p.m. - midnight)	
Office/ Industrial	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/ Commercial	40%	100%	80%	100%	10%

Off-Street Truck Loading

Minimum Truck Loading Spaces

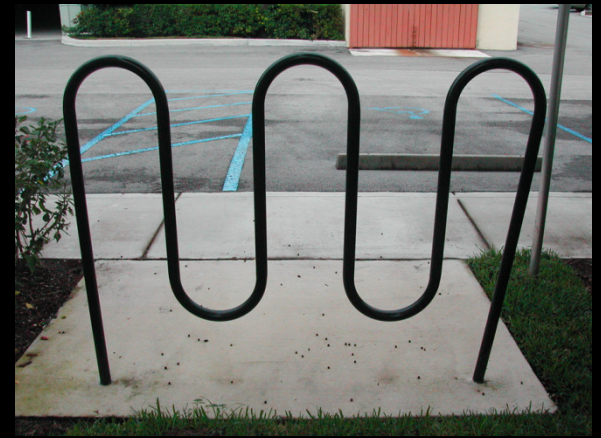
Square Feet of Gross Floor Area in Structure	Required Number of Spaces
0 up to and including 12,500	1 (small)
12,501 up to and including 25,000	2 (small)
25,001 up to and including 40,000	1 (large)
40,001 up to and including 100,000	2 (large)
For each additional 80,000 over 100,000	1 (large)



San Antonio, Texas 9/30/2009

Bicycle Parking

- 10% of required parking
- "D" / Infill = 25% of required parking in C-3 or O-2



Use v. Building Form



Roof

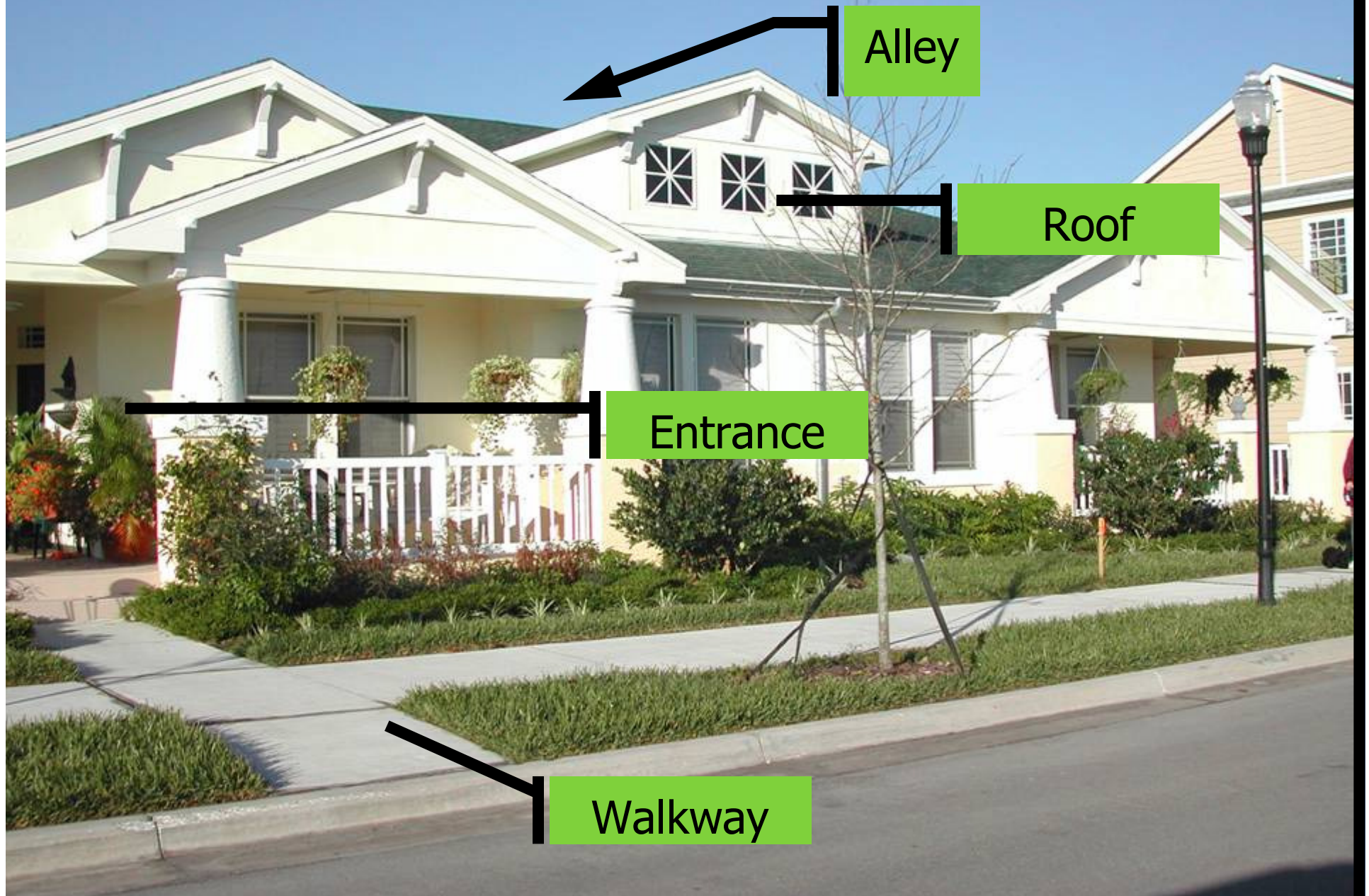
A photograph of a two-story house with a brown shingled roof and white horizontal siding. The house features two large dark brown garage doors on the ground floor and a front entrance on the left. A concrete driveway runs along the front of the property. Black lines with T-shaped endpoints point from text labels to specific parts of the house: one to the roof, one to a garage door, one to the front entrance, and one to the driveway.

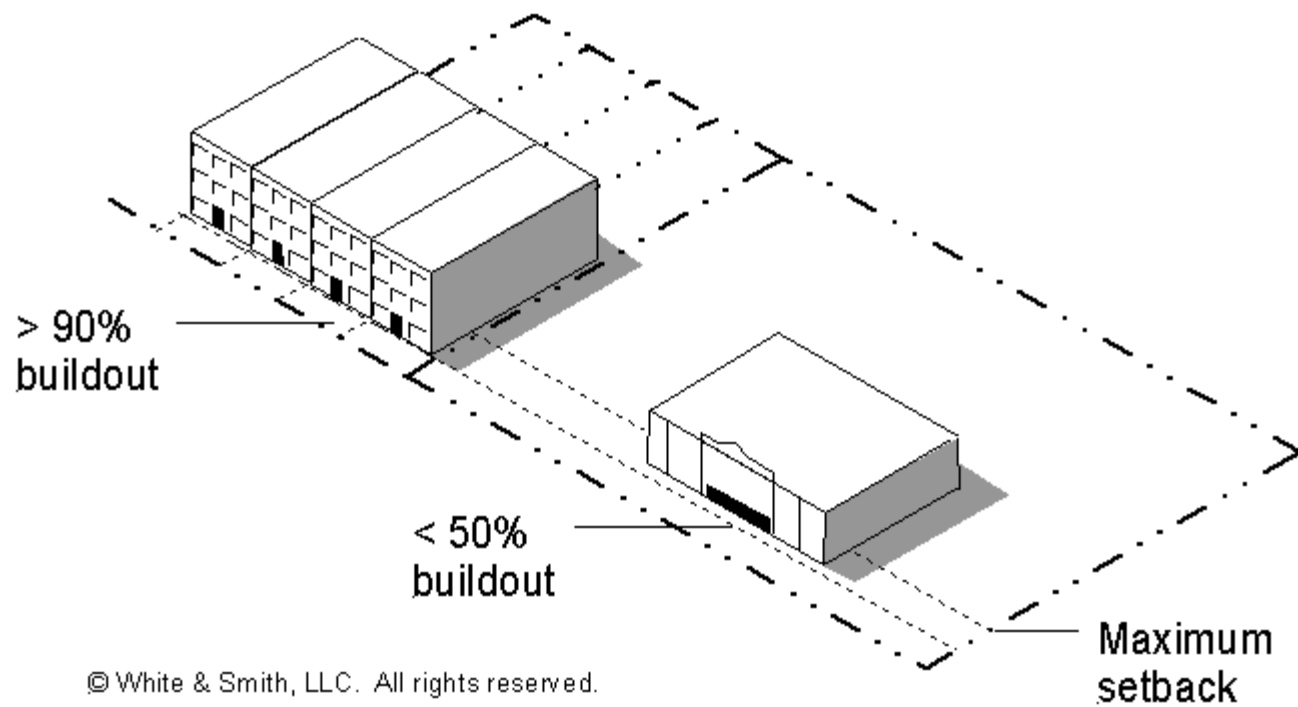
Garage

Front
Entrance

Driveway

Use v. Building Form





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Uncivic Design



New Home Construction

	1976	2002	%
Average building sf	1,700	2,320	36%
Average lot size (sf)	10,125	16,454	63%

Building design (Aesthetic v. Function)

Storefronts
v. blank
walls



Administrative Exceptions

- Granted as part of application
- Public Works – 35-501
- Criteria
 - Master Plan
 - Normal standards threaten health & safety
 - Spirit & intent
 - Minimize adverse impacts
 - Public interest
 - All other standards comply
- Apply for variance if denied

Variances

- Decisionmakers
 - Plats = Planning Commission
 - Development Plats = Planning Director
- Hardship criteria
- Street variance –
 - 2009 Amendment prohibits reduction in traffic lanes or waiving traffic lane required by Major Thoroughfare Plan

Enforcement

Violations

- Acts committed
- Omissions
- Contradicts UDC Standards
- Contradicts conditions

Remedies

- Civil actions
- Fines
- Historic preservation
- Specific penalties –
 - Tree preservation
 - Riverwalk vending
 - ERZD
 - Sexually-oriented businesses
 - Military Lighting Overlay District

Staying out of trouble

- Obey
- Familiarity
- Communication
- Careful drafting

Text Interpretations

- Words used in the present tense include the future.
- Words in the singular include the plural and words in the plural include the singular.
- The word "shall" is mandatory and not permissive.
- The word "person" includes individuals, partnerships, corporations, clubs, or associations.

Synonyms

- Interchangeable words:
 - Property, lot, parcel, or premises
 - Used, arranged, occupied or maintained
 - Sold or dispensed
 - Construct, improve, reconstruct, erect, alter (structurally or otherwise)
 - Adjoin, abut, next-to, contiguous or neighboring (but not adjacent)
 - Section or sub-section
- “Chapter” = City Code Chapter 35 (the UDC)
- “City” = City of San Antonio.
- “County” = Bexar County.

Levels of Precedence

- Written text, excluding text in italics takes precedence over tables, maps and graphics figures.
- Tables take precedence over maps and graphic figures.
- Section titles and headings have no legal force.
 - Headings are only a helpful guide to the relative location of the contents and do not merit a great amount of concern. Section 311.024, Government Code, stipulates that a heading does not limit or expand the meaning of a statute.
- Proper drafting format is to leave names of specific departments and people in lower case.

Example

- Sidewalks

- 35-506(q)(3) - as amended January 15, 2009 - requires a planting strip of no less than 3 feet.
- Table 506-3 shows a requirement for a 2 foot planting strip.
- The text in 35-506 (q)(3) takes precedence over the table.

Section

Statement of Purpose
(not regulatory)

Subsection

Sec. 35-431. Application for Plat Identification Number/Letters of Certification.

STATEMENT OF PURPOSE

The purpose of this section is to assist the applicant in obtaining necessary certifications needed for plat approval and to coordinate applications for subdivision approval with the standards and procedures required by this chapter.

(a) Applicability. Prior to filing an application for plat approval, the applicant shall secure letters of certification as required by this section.

(b) Initiation.

(1) Certifying Departments. A request for letters of certification and required items shall be filed by the applicant with the following departments (hereinafter "certifying departments"):

A. Department of planning and development services.

B. Office of historic preservation.

C. SAWS.

D. CPS Energy.

E. Department of parks and recreation. Nonresidential plats at the discretion of the planning and development services director in consultation with the director of the parks and recreation department may not be submitted to the parks and recreation department for review and comment on park or open space dedication. Nonresidential plats will be submitted to the parks and recreation department for information purposes only. If the parks and recreation department should find a plat that they wish to comment on they may do so by submitting such comment to the attention of the planning and development services director at least twenty-four (24) hours prior to the planning commission meeting at which the plat is to be heard.

F. Applicable county.

(2) Referral. The applicant shall circulate the plat to reviewing agencies and departments for identification of any rights-of-way and easements which may be required. If rights-of-way and/or easements are required, the applicant shall prepare instruments dedicating the rights-of-way/easements to the appropriate agencies and departments. The instruments shall be filed for record in the county deed records prior to approval of the development plat. In addition to the certifying departments, copies of the requests for plat review along with required information shall be distributed to AT & T, Cable Television, aviation department, City South Management

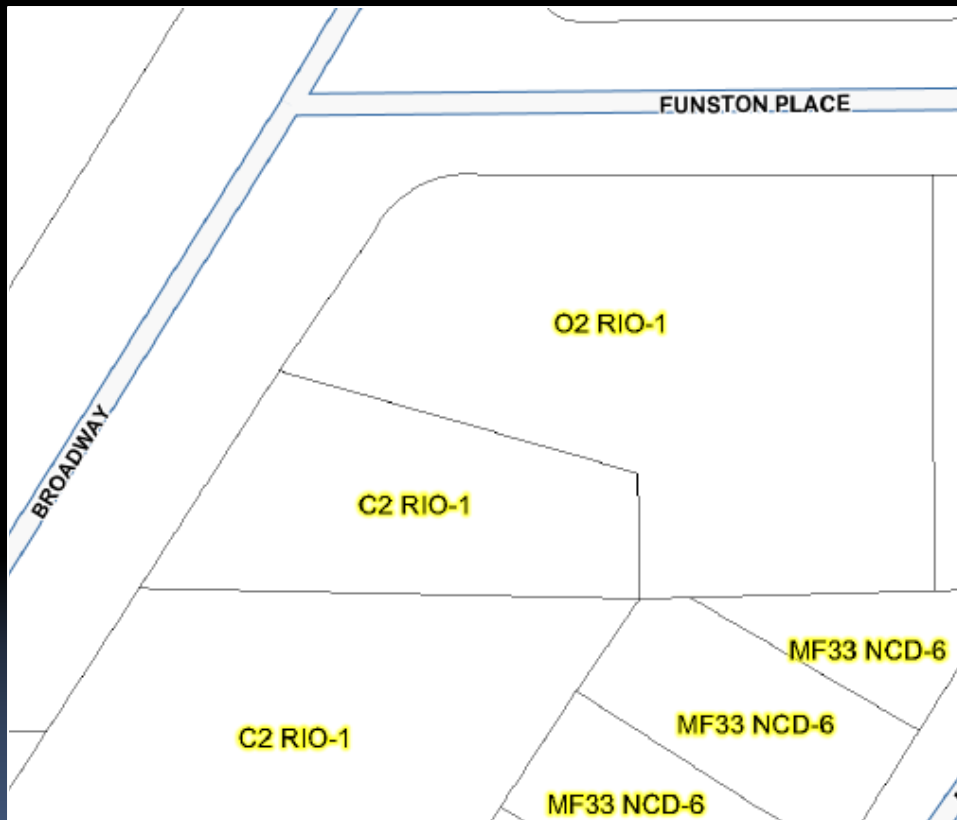
Days

- Unless specifically noted as working days, all computation of days is calendar days.
- If the reference to days is for a period of time less than six days, it is working days.

Strictest Controls (35-106)

- Texas Local Gov't Code § 211.013:
 - If a regulation requires a greater width or size of a yard, court or other open space, requires a lower building height or fewer number of stories for a building, requires a greater percentage of the lot to be left unoccupied, or otherwise imposes higher standards than those required under another statute or local ordinance or regulation, the regulation adopted under Article III, Zoning, controls.
 - If the other statute or local ordinance or regulation imposes higher standards, that statute, ordinance or regulation controls.

Example



- O-2 zoning district allows unlimited building height.
- RIO-1 limits building height to 5 stories/60 feet.
- The RIO-1 provision is controlling over the O-2.

Example



- Single family zoning districts (Article III) have a 10 foot minimum front setback.
- Garages require a 20 foot front setback (Article V).
- The Article V provision requiring the greater setback is controlling over the Article III provision.

Public Agency Exceptions

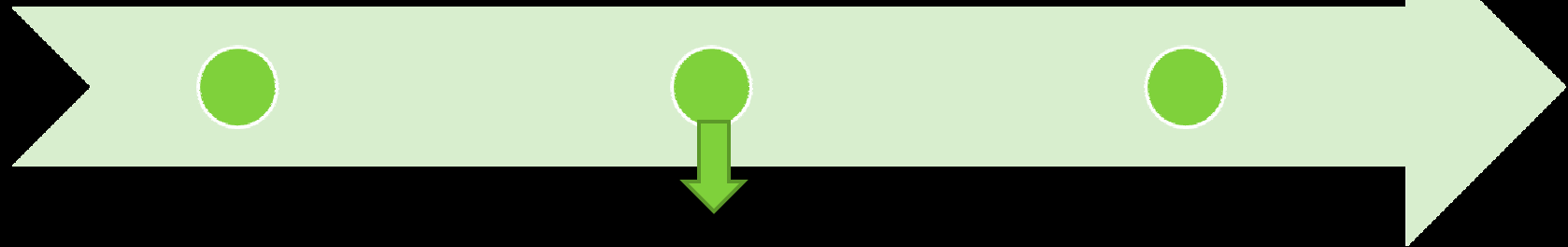
- Must comply with UDC:
 - COSA
 - County (other than Courthouse)
 - SAWS
 - CPS Energy
 - Bexar Met
 - Public School Districts
 - Private Schools
 - Churches
 - Colleges and Universities not funded through the State Permanent University Fund.
 - All property owners not specifically provided exemptions. afsd
- Public Schools comply with Article III and V (§35-387).
- Exemptions from all UDC:
 - Buildings or other structures under the control, administration or jurisdiction of:
 - State agencies
 - Federal agencies
 - Public universities funded through the State Permanent University Fund
 - County Courthouse
- Exemptions from zoning (Article III) only:
 - COSA
 - CPS Energy
 - SAWS

Vested Rights & Nonconformities

Regulations

Application
= vesting

Regulations



Completeness Review



Moratoria
Interim Regulations
Sequencing
Scoping

Litigation
Grandfathering
Board of Adjustment procedures
Vested rights determinations

Basic Principles

- Vested Right
 - Far enough along in process to be entitled to continue
- Related concepts
 - Nonconformities
 - Estoppel

Vested Rights in Context

- Common law
- Early vesting
- Statutory vesting

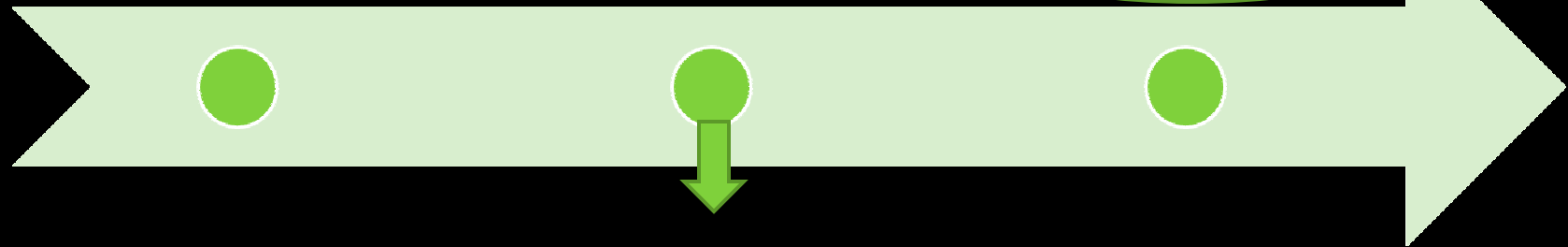
When Do You Vest?

Factor	Common Law	Statutory (Chapter 245)
Application	✓	✓
Permit	✓	
Substantial Commitments	✓	
Good Faith	✓	
Scope	✓	✓
Not dormant	✓	✓

Regulations

Application
= vesting

Regulations



Litigation
Grandfathering
Board of Adjustment procedures
Vested rights determinations

Vested Rights

- Statutory and common law
- Vested rights determination (VRD) procedure
- Consent agreement

Vested Rights

- Application for determination of rights
 - City Attorney – agency consultation
 - Certificate
 - 15 day appeal period
 - Appeal to Planning Commission – City Council
 - 5 year effective period

Vested Rights

- Fair Notice form
 - Local Government Code, Chap. 245
 - Filed with PDSD
 - Need permit applications & project data

Consent Agreements

- A legal description of the subject property and the names of the legal and equitable owners;
- The duration of the consent agreement and the conditions that will result in revocation;
- The uses permitted on the property, including population densities and/or building intensities and height;
- A description of the public facilities that will service the proposed development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure that public facilities are available concurrent with the impacts of the development;
- A description of any preservation or dedication of land for public purposes;
- A description of all development approvals, permits, or other local or state approvals needed for the proposed development;
- A finding that the proposed development is consistent with the master plan and the relevant provisions of this chapter;
- A description of any conditions, terms, restrictions, or other requirements determined to be necessary for the preservation and protection of the public health, safety, or welfare;
- A statement indicating that the omission of a limitation or restriction shall not relieve the applicant of the necessity of complying with all applicable local, state and federal laws;
- A phasing plan indicating the anticipated commencement and completion date of all phases of the proposed development;
- A statement that the city attorney shall review progress pursuant to the consent agreement at least once every twelve (12) months to determine if there has been demonstrated good faith compliance with the terms of the consent agreement; and
- A finding that the consent agreement is intended to resolve a good-faith dispute concerning development rights and applicable regulations without the cost and uncertainty to both parties of litigation.

Conversion Process

- Indicates new district from current zoning map
- Registration

(A) 1965 Zoning District	(B) 1938 Zoning District	<div data-bbox="1278 95 1472 175">RP</div> (C) New Classification
--	--	C S , R M -4 , R M -6 , M F -25 , M F -40 , M F -50 , N C , O -1 , L
R -8 a	--	R E
R -8	--	R -20
R -1 C	--	N P -15
R -A	N /a	R -20
R -1 B ,	--	N P -10
R -1 A	--	N P -8
R -7	B	R -4
R -3	C , D A p a r t m e n t	M F -33
R -1	--	R -6
R -5	A	R -5
R -2 , R -2 A , R -6	--	R M -4
R -4	--	M a n u f a c t u r e d H o m e “ M H ”

(A) 1965 Zoning District	(B) 1938 Zoning District	(C) New Classification
--	E Office	O - 2
O - 1	E	O - 2
B - 1	--	C - 1 (subject to subsection (d), above)
B - 2	F , G , G G	C - 2 (subject to subsection (d), above)
B - 2 N A	--	C - 2 N A (subject to subsection (d), above)
B - 3	H , H H	C - 3
B - 3 N A	--	C - 3 N A
B - 3 R	--	C - 3 R
B - 4		D
B P	--	B P
I - 1	I* , II, J, JJ, K , K K	I - 1
I - 2	L , L L , M , M M	I - 2

(A) 1 9 6 5 Z o n i n g D i s t r i c t	(B) 1 9 3 8 Z o n i n g D i s t r i c t	(C) N e w C l a s s i f i c a t i o n
S a n d & G r a v e l “ S G ”	n / a	S a n d & G r a v e l D i s t r i c t “ S G ”
Q u a r r y “ Q D ”	n / a	Q u a r r y D i s t r i c t “ Q D ”
E n t e r t a i n m e n t “ E D ”	n / a	E n t e r t a i n m e n t D i s t r i c t “ E D ”
E R Z D	n / a	E R Z D
H i s t o r i c D i s t r i c t “ H ”	n / a	H i s t o r i c D i s t r i c t “ H ”
M i l i t a r y A i r p o r t O v e r l a y 1 “ M A O - 1 ”	n / a	M i l i t a r y A i r p o r t O v e r l a y 1 “ M A O - 1 ”
M i l i t a r y A i r p o r t O v e r l a y 2 “ M A O - 2 ”	n / a	M i l i t a r y A i r p o r t O v e r l a y 2 “ M A O - 2 ”
M i l i t a r y R e s e r v a t i o n “ M R ”	n / a	M i l i t a r y R e s e r v a t i o n “ M R ”
P l a n n e d U n i t D e v e l o p m e n t “ P U D ”	n / a	P l a n n e d U n i t D e v e l o p m e n t “ P U D ”
R i v e r W a l k O v e r l a y D i s t r i c t ” R W O D ”	N / a	R i v e r W a l k O v e r l a y - 3 ” R W - 3 ”
T e m p o r a r y R - 1 (s e e O r d . N o . 6 5 5 1 3 , ' § 2 (f) [8 - 1 3 - 8 7] ; a n d O r d . N o . 7 4 4 8 9 , §	T e m p o r a r y A	R - 6

Nonconforming Uses

- Preexisting uses continue
 - may extend throughout the building, if no structural alterations or additions not required by law
- Amortization

Nonconforming Uses Defined

- On the effective date
- Lawfully operated as a nonconforming use per prior zoning ordinances
- No longer a permitted use
 - N/A to noncompliance with signs, yard requirements, off-street parking requirements, or off-street loading
- Territory annexed into the city may continue as provided in subsections (a) and (b) of V.T.C.A. Local Government Code § 43.002.

Nonconforming use - limits

- No extension / enlargement
- Subject to maintenance / conditions of operation

Expansion of nonconforming use by Specific Use

- The termination of such use will result in unnecessary hardship
- Such continued use will not be contrary to the public interest.
- Continued use will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district.
- Continued use will be in harmony with the spirit and purpose of this chapter
- The plight of the applicant for which the continued use is sought is due to unique circumstances existing on the property and/or within the surrounding district.
- Continued use will not substantially weaken the general purposes of this chapter or the regulations established in this chapter for the special district.
- Continued use will not adversely affect the public health, safety and welfare

Nonconforming use - loss

- Abandonment = discontinued / vacancy for 12 months
- Failure to register in 3 years, unless sufficient evidence provided
- Violation of chapter
- Nuisance / hazards
- Directed by city council with amortization period
- 50% replacement cost damaged / destroyed, permit within 1 year
- Change to conforming use
- Change to another nonconforming use as permitted (next slide)

Change to another nonconforming use

Use permitted in:	Located in:	May be changed to use permitted in:
Resource Protection "RP" Residential Estate "RE"	Less restricted residential	Any more restricted district
Any business or industrial	Any residential district	Any residential use or a more restrictive business use as follows: "I-1" use may be changed to any "C-3", "C-2", "C-1", Office, or "NC"; "C-3" use may be changed to any "C-2", "C-1", Office, or "NC"; "C-2" may be changed to, "C-1", Office, or "NC"; "C-1" may be changed to Office, or "NC"; and office may be changed to an "NC" use
Any business district	More restricted business district	A more restrictive business use as follows: "I-1" use may be changed to any "C-3", "C-2", "C-1", Office, or "NC"; "C-3" use may be changed to any "C-2", "C-1", Office, or "NC"
"I-1" district	More restricted business district	"I-1" district

Nonconforming lots

- Substandard lot
 - Area
 - Width
 - Change in regulations
 - Annexation
 - Condemnation
- Does not require the replatting or combination of platted lots under common ownership which are protected by state vested rights law
- Can use any use permitted in the applicable zoning district

Nonconformities – Annexed Territory

- Structure under construction
 - Permit to complete construction
 - Completion in 2 years
- Proposed construction in progress may be completed
- Master Development Plan

Where to Get More Information

- Future training sessions
- Copies of UDC
 - Hard copies: www.municode.com
 - Electronic copies: www.municode.com
- Rule Interpretation Decisions (RID's)